00037835

Digitized with financial assistance from the
Government of Maharashtra
on 03 December, 2015

DIARY

OF

THOMAS BURTON, ESQ.

MEMBER IN THE PARLIAMENTS

OF

OLIVER AND RICHARD CROMWELL,

FROM 1656 TO 1659:

NOW FIRST PUBLISHED

FROM THE

ORIGINAL AUTOGRAPH MANUSCRIPT.

WITH AN INTRODUCTION,

CONTAINING AN

ACCOUNT OF THE PARLIAMENT OF 1654;

FROM THE JOURNAL OF

GUIBON GODDARD, ESQ. M.P.

ALSO NOW FIRST PRINTED.

37835

EDITED AND ILLUSTRATED

WITH NOTES HISTORICAL AND BIOGRAPHICAL

BY JOHN TOWILL RUTT.

IN FOUR VOLUMES.

VOL. IV.

LONDON:

HENRY COLBURN, NEW BURLINGTON STREET.

1828.

342.06
Rut./ Dia.
37835

PARLIAMENTARY DIARY.

Friday, March 4, 1658-9.

Mr. Speaker took the chair at nine.

Prayers by Mr. Cooper.

Colonel Terrill reported from "the Grand Committee for Grievances and Courts of Justice," the state of the case concerning Mrs. Sarah Rodney, widow, plaintiff, and Mr. John Cole, defendant.*

Mr. Knightley. I move to have it examined *de novo*. It is not proper for us to build upon the proceedings of another Parliament.

Mr. Trenchard moved *contra*.

Resolved that it be taken into further consideration this day sevennight.

Mr. Scawen and *Mr. Bampfield* moved that the Speaker sign protections for such persons as are called before the Committee for inspecting the Treasury and Revenue.†

* *Journals*. See vol. i. pp. 300, 301; ii. 130, 131.

† See *Journals*. "There was a report by Mr. Scawen, 'from the Committee of Inspection of the Accounts and Revenues of the Commonwealth,' that some persons not named could make discoveries of great advantage, but they could not be produced without a protection. It was therefore moved that the Speaker might be ordered to grant his

Mr. Speaker acquainted the House that a prisoner was at the door. It was Mr. Henry Wroth.*

They said, call him in.

Major-general Packer. I am content to pass by the injury if the House so please. I believe Sir Henry Wroth did not know me.

Mr. Turner. It is moved like a gentleman. Therefore I move that the House consider it, and pass by the offence.

Sir Thomas Wroth. He is my near kinsman, yet I shall not countenance any of his crimes. The gentleman has moved worthily, and like a gentleman. I know the person has so much worth that he will repair to the gentleman, and make a recognition. I pray that he may not be called in.

Mr. Knightley. I move that for your own honour you call him, and let him find your displeasure; for ignorance will not excuse. If that will serve a man's turn to say he knew not he was a Parliament man, every Serjeant that arrests a member may say so.

Mr. Manley. I move that he may not be called in; for it is not clear that this was a crime, or breach of your privilege. It seems it was done in a time when he could not know what the person was, much less that he was a Parliament man.

Captain Hatsell. I move that he be called in. It is not an indignity offered to a single person, but to a Parliament. I would have some exemplary punishment upon him.

Colonel Gibbons. The law of Lycurgus said, that a crime done in drink should be doubly punished. I would have him called to the bar, and have exemplary punishment.

Captain Baynes. I move that he be called in, and have your reprehension; but no farther punishment.

Major-general Kelsey. If he was drunk, the law punishes

protection to such persons as he shall be informed of by the Committee, without naming of them, which was granted, though not without difficulty, because the persons were numberless to the House." *Goddard MS.* p. 275.

* See vol. iii. p. 436.

him; the like, if he did assault him. He did not know he was a member. If he come to your bar he must come as a delinquent. I would not have him called in at this time; but passed by, seeing the worthy member that informed believes he did not know him.

Sir Anthony Ashley Cooper. I move that he be called in, and neither have his crime, nor his answer repeated; but only be told that, upon the motion of the person that informed, the House had considered of him, and would pass it by.

Mr. Bodurda. He may haply deny he is the person, or deny the crime. I would hear him first, and then pass it by, if you please. He must come as a delinquent on his knees.

Sir Arthur Haslerigge seconded that.

Mr. Swinfen. It will not be for your gravity to discharge him upon the motion of the person that informed you. I would have him discharged till farther order: otherwise it will hold all day.

Colonel Thompson. I move that the Serjeant take his security to appear when you will call for him. Whatever you do in it, it will cost you this morning, and you have a great business in hand. If you call him in, and have nought to say to him, he will go home and say he was sent for as a delinquent, and nought said to him.

Colonel Matthews, Sir John Northcote, and *Sir Richard Temple.* It was an error in the dark. Call him to the bar, and acquaint him, that, at the motion of the person that informed you are content to pass by his offence, and to discharge him.

Mr. Trevor. I would have him called in; but you may dispense with his kneeling, as you did in the case of Major Audley, who was sent for as a delinquent.* I would have you tell him that, upon the motion of the person that informed, the House had discharged him.

Sir Walter Earle. It is a book-case. Every man, at his peril, is bound to take notice of a member of Parliament, but

* See *supra*, pp. 33, 34, 37.

is not obliged to take notice of his servants, unless he be told. I would have him called in, and his offence told him. Commit him for two or three days to the Serjeant, and then release him upon the gentleman's motion.

Colonel Cock. I believe he was not so ignorant of the person as is informed. I could tell some reason. He has bragged since, in the country.

I would have him called in, and remain in the Serjeant's custody. The Serjeant has been at great trouble in finding him. He might have rendered himself. It is not for your own honour, nor justice, to pass it by.

Captain Whalley. I move that he, first, be called in and hear his answer. Then let him withdraw, and discharge him if you think fit.

Mr. Chaloner. This is higher than arresting a man; for it is lawful to arrest a man, but unlawful to assault any man. I would have him called in, to hear his defence. Then proceed as you please.

Mr. Trevor moved that he may not be called in, but discharged.

At last it was resolved that he should be called in, and to let him make his answer, and then withdraw.

He was called in, and Mr. Speaker bade him kneel. He made a short kneel.

Sir Horatio Townshend and *Sir Richard Temple* cried, No, no; and he stood up again.

Mr. Scot moved that he withdraw, and he was withdrawn; for it could not be denied if any member moved it.

He moved to make a conditional sentence.

Colonel Morley said, no conditional sentence could be given.

Mr. Knightley. It is a high breach of privilege for any man to cry, No.

I have known divers sent to the Tower for saying less. It is a breach against the gravity of this House.

Sir Arthur Haslerigge agreed that it was very irregular to cry, No, no.

It was moved that the House would be pleased to pass by his kneeling.

Sir Arthur Haslerigge. You can by no means now dispense with it, lest it be thought that the Speaker bade him kneel before without your directions.

Sir Henry Wroth was called in again, and said for himself thus:—

Mr. Speaker, I am obliged to this honourable House to give me leave to speak for myself.

I overtook Major-general Packer in the highway, and another with him, one Captain Gladman. I knew neither of them, but I heard afterwards who they were. There were two tracks, and they kept them both. I desired them, as the course is, to put on, or to let me have one of the ruts; whereupon Major-general Packer turned back upon me and drew his sword. * I, in my own defence, drew, and disarmed him. Then Captain Gladman drew upon me, and I took his sword from him.

Major-general Packer rid to the next town, and alighted. Captain Gladman and I came after. I gave Captain Gladman his sword again, and came into the House where Major-general Packer was, and delivered him his sword. He alleged he had lost his scabbard four miles before I overtook him. I wished the people of the house to look the next morning, and I appointed them within ten yards, where they found both my scabbard and his, and Captain Gladman's.

I gave them no offence but in my own defence. I have witnesses here at the door, if you please, either to hear them or refer as to law. I am able to make out all this that I say to be truth.*

Hereupon he withdrew. This altered the scene.

Major-general Packer. I think now, I am a little concerned to prosecute this business. I shall pray that you would appoint a day to hear it, that I may have Captain Gladman here, who is my only witness.

* "Mr. Wroth, standing at the bar, gave the House an account concerning the manner and the occasion of what had happened between Major-general Packer and himself; and affirmed, that he drew his sword in his own defence." *Journals.*

Sir Thomas Wroth. Justice should have two ears. You have heard both parties. I would have it buried in silence, and let this worthy Commander and the gentleman meet together to make an end of the business, if you please. Your time will not afford for you to examine.

Sir Arthur Haslerigge. You are not ripe for judgment. One affirms, the other denies. I would have it referred to a Committee, or to the Committee of Privileges.

Mr. Knightley. Sir Thomas Wroth has a horror to see his kinsman here. He has made you a very discreet answer. You are not ripe for judgment. I would not have the gentleman continue under restraint; but take his parole to appear, and examine it by a Committee.

Mr. Turner. He lies at expense. I move therefore, to call him in, and take his parole.

Sir Arthur Haslerigge. I move that you first appoint a Committee, and it is fit he should be acquainted with it.

A Committee was appointed accordingly.*

Sir Thomas Wroth being named; prayed, in respect he was a kinsman, he might not be of the Committee.

Mr. Turner and *Mr. Trevor* moved that his parole might be taken.

Sir Arthur Haslerigge. The word parole is a new word; I move that the Serjeant take his bond.

Sir George Booth. Seeing we all understand not French, let us take his word; that is English. I hear he is a person of great worth.

Sir Richard Temple. His word is sufficient.

Colonel Bennet. I move that he enter bail to the Serjeant.

Mr. Goodrick. You took the honour of a Lord the other day.† You may well take the word of a gentleman now.

Mr. Neville. I move that he enter security. The person complaining, is a person of as great worth as any person can be.

* Consisting of Sir George Booth, and sixteen other members. *Journals.*

† See *supra*, p. 375, *ad fin.*

Colonel Morley. Leave it to the Serjeant to do what he thinks fit. He has heard your debate, haply he will take his word; but it becomes not your gravity to take his word, though there is no danger of breaking it.

Lord Lambert and *Mr. Raleigh.* Moved that the Serjeant take his own security for his appearance.

Mr. Annesley. I move that he be discharged from his imprisonment, and enter bond to appear; otherwise I doubt he will continue a prisoner still.

Ordered, that Mr. Henry Wroth be discharged of his imprisonment upon his own bond, to be given to the Serjeant-at-Arms, to appear from time to time by the Committee's appointment.*

He came off of this business with a great deal of honour, and by his narrative, quite altered Packer's story. It was referred to a Committee, but I believe it will fall asleep in the chair. It will scarce be prosecuted.

The Committee to meet in the Queen's Court on Monday afternoon.

The order of the day was read at half an hour past 10.

Mr. Knightley. I move that Captain Whalley have leave for 10 days. It will ask no debate.

It was resolved accordingly.

After *altum silentium*,

Sir Walter Earle. I move that you take some part of your question to debate upon.

First, begin to debate whether the ancient Peers that are faithful, may be admitted to sit in that House, being approved by this House.

They claim it in equity as hereditary; in regard they have nobody here to represent them. They were formerly

* "This day, Mr. Wroth, alias Sir Henry Wroth, was called in as a delinquent, upon his knees, at the bar, for assaulting Major-general Packer upon the road. Being called in, he justified himself, as being first assaulted by Mr. Packer and Gladman, who were disarmed by him. It was referred to a select Committee, and in the mean time, he was discharged upon his parole, but that being a French word, and martial law too, he was ordered to give security to the Serjeant." *Goddard MS.* p. 275.

held useless. It may be now, they will be held useful. I would have you first make that your question. I confess I am for them.

Mr. Annesley. You must keep to your question. To make additions, some offered to the beginning, some to the middle, some to the conclusion: if your debate go thus at large, your debate will hardly come to a question.

Mr. Speaker repeated all the additions that have been offered, and concluded with Mr. Annesley's former motion,* about saving the rights of the ancient Peers.

Captain Baynes. First go on with your debate, whether you will transact with those persons in the other House. That being resolved, you may make what additions you please.

Colonel Kenrick. I cannot give either *yea* or *no* to this question. If *yea*, I doubt we cannot afterwards bound. If *no*, then I doubt that will be against your former vote. I would have the question so, that, as David says, "My tongue and heart might go together."

To the main question of transacting, I move to debate upon what foot of account this other House stands. The ancient Peers (it has been observed to you) have an ancient right. They have claimed from Brute† down to this time. This House are neither those men, nor claim as their sons or any relations to them. The date of their claim is only from 57, on the Petition and Advice; and the more we dispute this right, it is the more difficult.

One worthy Serjeant says all the articles in the Petition and Advice hold forth that his Highness may, by that, call this other House. Another Serjeant is of another opinion;‡ and the Long Robe much differ, so I have little light from them. It is said, we may compare part with part, and so understand it. The rule is good in explaining Scripture, but I would have the law more clear. Yet there are several articles wherein it cannot be understood of his now Highness; he not then having had a being.

* Vol. iii. p. 594. † See *ibid.* p. 513, *ad fin.* ‡ See *ibid.* pp. 571—575.

They seem merely personal. They have a clear dependency upon the late Protector, and die with him.

What reason, then, to transact, trade, or traffic with those that have no foundation in prescription, custom, law, or reason; no being either by God or man.

If you add this estate to your House, you and they are all one land. This other House is like ward-land, and will draw on a bad tenure and consequence upon all the rest. If they be unclean, you cannot be clean. No fountain can run sweet in bitter water. Put new wine into new bottles. Bound first.

I move that this question be laid aside, and that you would go to bounding again.

Mr. Bayles. I see little fruit of what the minister prays for, every morning, and what the minister told us. There is no unity amongst us. What one moves, another crosses presently. Let us come to a question by a side-wind, rather than by no wind. I am sure a contrary wind will never bring it about. The Protector reduced us to a single government. We have now two Houses, and are upon a settled foundation.

My motion is, that you would transact with the persons now sitting in the other House, &c.

Mr. Rigby. I intended to have been silent. It is the first time that ever I sat in Parliament.

You have voted that the Government shall be in a single person. You have voted another House. There are none in this more in love with this government than I am. I never appeared in this House before; but the country knows I have appeared in the field for the Parliament.

You have resolved to bound both. The news-books have told the nation you intend to bound them.

I look upon this House as the Representative of the free people of the nation. All here either thus,* or by procuration. If I should give this,† I call all the blood that has been spilt under my command, upon myself.

* In person. † The exclusive right of the representative.

This question gives all away at once. I would have them first bounded; I would not have us, as the phrase is, by a side-wind part with all.

I pray that this question may be laid aside, and, when bounded, I shall be as much for these persons as any man.

Mr. Archer. To have transacted with the old Peerage should have had my free concurrence. It was told you* what the old Peers had done formerly, in procuring the Long Parliament, else your cause had perished in embryo.

This new House of Lords consists of swordsmen, colonels, and commanders of armies.† The persons are all either military, or in civil judicature. It is not fit for those that receive public moneys to have a legislature with us. If therefore we should be overruled by the major part, and will needs transact with those men, let us take the self-denying ordinance‡ to be our rule, and let it go throughout that House. I would have no relation of ours to bar the right of ancient Peerage, nor to invade the self-denying ordinance.

Colonel Gibbons. I think the text had been clearer, if there had not been so many comments upon it. The Petition and Advice I mean.

A part of the Commonwealth has leaped over the door. *Libertas* is written over the door of some senate-houses, where yet the people live under the greatest servitude. It concerns us to look after that great concernment.

The question now before us is a great-bellied question,§ and will not easily go down with me. I am not for laying it aside neither. It is pressed upon us, and necessity is pretended. Many absurd consequences are in that necessity. There was a Spanish Don that burnt his shins by the fire, who could not be satisfied, till he presently sent for a mason to pull down the chimney as a heretic, whereas he might have removed his shins more easily. I doubt we are doing so. I shall offer as an addition to the question, that this House will

* Vol. iii. p. 515.

† See vol. ii. p. 450, *note* *.

‡ See vol. iii. p. 443, *note* †.

§ See *ibid.* p. 474.

transact with the other House, when they are bounded and limited by this House, and not before.

Mr. Stephens. I cannot give my assent, to include all the members that sit there in a lump* to transact, nor in a lump to exclude all that have a right to sit there.

I can very well confide in his Highness, and am glad to find one in possession who will rule according to the law, and not by the sword. If I could have the same confidence in those that sit in the other House, I should willingly consent. But I would have a government by law, and not by the sword; and I should fear it much if those men should sit. Losers must have leave to speak.

1. They are many of them military persons. Thus they would have a military and civil sword. There are nineteen regiments of horse and foot, and divers garrisons, besides the Tower of London, all in that House; and a great part of the fleet besides. Lord Lieutenants were always chosen by the country laws,† by the good laws of Edward the Confessor. The great commanders, both by sea and land, and privy counsellors, were chosen by the people anciently, *in pleno foro.*‡ This is no new doctrine. They that sit there, ought to be by your election.

We have found, by experience, the mischief of the sword. The little fingers of Major-generals have I found heavier than the loins of the greatest tyrant kings that went before.

2. Several persons there, receive salaries out of the public monies and treasure of the nation. It is dangerous for them to have the legislative, and thus to commit your purse to them.

* See vol. iii. p. 560.

† "The Sheriffe," says Nathaniel Bacon, "being the Lieutenant, was chosen (*Leg. Edw.* 35,) in the County Court called the *Follcmote,* by the votes of the freeholders." See "The Uniu[illegible] Government of England," (1647,) pp. 65, 66.

‡ "Their Chief, in the first times, was chosen by the freemen in the field, either at the *Wittagenmot,* or the *Folkmot,* according to the extent of his command; being carried upon a shield borne upon their shoulders like as now Knights of the Shire are." *Ibid.* p. 63.

Many of the old nobility have been faithful and real to you, that you could not have maintained your cause without them. I cannot agree to lay them aside, *Salvâ conscientiâ.* I can neither transact with the one, nor exclude the other in a lump. Arguments of force, or fighting over again,* or the like, do not at all sway with me.

There is an Act,† by you, to take away the House of Peers. I shall not dispute the legality of it; but it was made with reference to the present government of a Commonwealth, which was then setting up. There was a clause in it, that the old nobility that continued faithful, and their posterities, shall not be excluded out of the councils of these nations.‡ When here was a Commonwealth, there was no need of them. Now it is suitable to your constitution. *Cessante ratione legis, cessat lex.*

I move, therefore, for a previous vote, that the House declare that the Act for taking away the House of Peers be repealed, and then vote that such Lords as have been faithful, and demeaned themselves honourably, and have a right to sit there, may be summoned by writ.

I will not raise that question, whether the Petition and Advice be a law; some paragraphs say one way, some another.

I would have this vote pass, that those that are to sit in the other House shall be approved by this House; for that is clear in the second article, though doubtful in the explanation.

Colonel West. I am rather for the other question, than for what was last moved. I would not have the Act of Parliament taken away by a vote. As the question is complicated, I cannot consent. You must transact with all. I cannot ex-

* See vol. iii. p. 443.

† See vol. ii. p. 388, *notes.*

‡ "Nevertheless, it is hereby declared, that neither such Lords as have demeaned themselves with honour, courage, and fidelity to the Commonwealth, nor their posterities who shall continue so, shall be excluded from the publique councils of the nation, but shall be admitted thereunto, and have their free vote in Parliament, if they shall be thereunto elected, as other persons of interest, elected and qualified thereunto ought to have." *Scobel,* (1658,) pt. ii. p. 8.

cept against any of them, but I cannot pass them by the lump.

If any thing make them capable, it is being soldiers. That is the greatest trial of faithfulness. I am not for passing them upon that account neither, but would have them bounded. If you bring in ancient lords, you must bring them by entail; you may as well entail the places of judicature upon all judges in Westminster-hall.

They must come by constitution, and not by restitution; by way of bounding. You have spoken to the nation, you will bound them; you have left rational men behind you* that will expect you shall perform your words.

I move this addition, that you will transact, &c., when you have bounded and approved them. By all means you must bound them.

He told a long story of Adam; and concluded,

I move that you would transact, &c., when they are bounded and approved by this House.

Mr. Speaker propounded the question so, and the affirmative was put.

Mr. Bodurda. I move against the addition; for if you go to approve them, it may happen that you will approve none of them, so that you will have no House to transact with.

Colonel Morley. This is a plain question. I am for another House, if you bound it, and for the persons, if you approve them.

Sir Arthur Haslerigge. I am for another House, if you, as the Commons of England, may bound them and approve them. I would have it examined, upon what foot they are called, whether by the old law, or by the Petition and Advice.

Mr. Attorney-general said it was so.

Sir Arthur Haslerigge. Oh, then! I am in the right if he say so.

The last Parliament would never transact with them as Lords. We were turned out for it.†

* Their electors.

† See vol. ii. pp. 464, 469.

They had voted themselves thither, I crave your pardon. I mean brought themselves up, or were brought up. They were intended, doubtless, only to survey laws.*

I shall reserve myself till the last, that I may, if I can, help you at a dead lift. The question is plain. If you please to bound them, and approve them, I shall be for them.

Mr. Trevor. The last Parliament, they were admitted to the other House.

Sir Arthur Haslerigge. They are the other House, and so let them be.

Mr. Trevor. The question is only whether a House of Lords or no, and that gentleman is pleased to take a great deal of pains to prevent the question.

If you please, pursue your former question without addition. Adjourn for an hour, and then debate it out.

Sir Anthony Ashley Cooper. I would not have things misrepresented to the House. I was here last Parliament, and the constitution of the other House was disputed all along, and their co-ordinate power denied still, else we had not been so soon dissolved.†

Mr. Hewley. I am against the addition, especially for approving. I was before for bounding, but that was not relished. It is not for our honour to recede to what we have waved. If we go on to approve, when shall we end? As was moved, admit you should approve none of them, then you must transact with the walls. They may be bounded as to hereditary, or swearing upon their honours, or voting by proxies.

As to the persons. No less can be said but that they are the best army and best officers in the world. Their swords, it appears, are made of what Hercules' club‡ was made

* See vol. i. pp. 387, 388. † See vol. ii. p. 462, *note* ‡.

‡ I know not whether the "daggers" described by "an anonymous author" (see vol. iii. p. 547,) at the close of his "Characters of Oliver's Lords," may serve to explain this classical allusion:—

"There were one or two more of the new champions, that with their wooden daggers, went into the other House to fight against the rights and liberties of the good people of this land: and say *no*, when any

of. Our olive is an emblem of peace.* Many men's tongues are sharper than their swords. If they had not been good, arrears of pay and other temptations would have wrought upon them. The Judges being there, is no inconveniency. There is but one judge of one bench. If all that have salaries for their faithfulness should be excluded, there may be care taken about that, of the Lords' Commissioners; or any other inconveniency may be provided for in the bounds.

I am against the addition. I would have three questions put singly.

Colonel Matthews. I wonder that the bounding and approving should be so much disputed. I shall make it out, that by the Petition and Advice the approbation of those in the other House ought to be in this House.† That article was never repealed. His Highness was only to nominate. Clauses ought to be repealed in the express words that they are expressed in the law.

The clause touching trying the members of the House is, *in terminis*, repealed. This is not so. I would have it well understood if that clause be repealed. Not a word expressed to take away the power of approbation from this House, and it is not only clear by the Petition and Advice, but by an ordinance sent to the King to the Isle of Wight. I have the law here.‡ It is of force still.

I am for all those persons to be of this House that have

thing came upon the stage that seemed to be against the Protector's grandeur and absolute power." *History of Europe*, (1706,) iv. 443, 444.

* Here, perhaps, may be a complimentary reference to the Protector Richard, as the son of Oliver. If *Raguenet* (quoted vol. iii. p. 523, *note**) may be credited, a medal had been struck of which he has given a rude engraving. It represents a bust of the elder Protector, laurelled and in armour.

"Le revers de la médaille nous fait voir un pâturage, sur lequel s'élève un grand Olivier; et à l'ombre duquel sont deux petits Oliviers. L'inscription suivante se lit tout autour: *Non deficient Olivarii.* Sept. 3, 1658." *Histoire d'Olivier Cromwell*, (1691,) ii. 217, 218.

† See vol. i. pp. 386, 404.

‡ See vol. ii. pp. 219, 453, *note* §.

been faithful; not that I would admit them (it may be, they will not ask it) to have an hereditary negative upon the people. I doubt we forget where we are.

There is a story of the Bishop of Lincoln,* that when he was committed to the Tower, being in his chamber, he got into a little closet, and his keeper cried, "Where are you?" He said, "I am here." He cried, "Where?" "I am just got into a little closet. I am reduced to my first principles, where I was when first at the University, a little door." I doubt we are going up to that little door, the lobby door. We may lose our purse there, in the crowd. I have known parts of cloaks lost. We are going up to our first——

The Instrument of Government† was much played upon, till it was out of tune. We were free, when the people sent us hither.

It is laid to the blame of the Instrument that Major-generals came in upon it. I heard no great complaint against them in my country.

This is a putting them in a bundle together, and binding them upon the people's backs, with an hereditary negative upon them.

My motion is, to lay aside the question.

Sir Richard Temple. At this rate, we shall be reduced to our first principles, all of us. The sum of what he‡ moved, though he concluded otherwise, was, to reduce us to the first principles that all along he has aimed at.

I would have you adjourn, either till to-morrow, or for an hour.

Sir Thomas Wroth. I had rather sit till to-morrow morning, than retard the great affairs of this nation. I would go

* Probably Williams, who became Archbishop of York. According to *Rushworth*, he was fined 10,000*l.*, under a sentence of the Star-chamber, in 1637, and "committed close prisoner to the Tower. After three years imprisonment, the Bishop was released and restored, and sat in the Long Parliament." *Ibid.* ii. 332, 333. See "Lord Clarendon" on Archbishop Williams," vol. iii. p. 328, *ad fin.*

† See vol. iii. p. 537.

‡ Colonel Matthews.

out of the House, and say my prayers, and come hither again, to have this question come to a resolution.

Here is a very fair question propounded to you. Why should any man be afraid of this question? Why should any that are not guilty, not venture upon approbation.

It is said, the soldiers have ventured their lives. They were well paid for it. I had a sword once.* I never had a penny; It cost me 10,000*l.*

Put the question, that you will transact with them when you have bounded and approved them.

Mr. Salway. The question has been put in the affirmative. I beseech you, put it in the negative.

Sir Arthur Haslerigge. That gentleman moved very materially. You ought, I think, to put the negative, seeing the affirmative was put.

Serjeant Maynard, Mr. Knightley, and *Sir Lisle bone Long.* There is no such order. Any gentleman may, before the negative is put, speak against the question; and it is all one as if the affirmative had never been put.

Mr. Swinfen. The addition takes away the question itself. You are now in debate about constituting another House, and your order is, only, to transact with another House. Other additions were offered, and they must be put in order.

First, a constant order of the House. Then we must press that the question be, whether you intend hereby to exclude the rights of the old Peerage, as was first moved.

Sir Arthur Haslerigge. I appeal to all, whether this, being so long and so often insisted on, ought not to be the proper question. Let the question, as it is stated, be put in your books. This question, with this bounding and approving, will not have one negative.

* "Sir Thomas Wroth," says Mr. Noble, "in June 1649, had the thanks of the Parliament, for suppressing, with Colonel Price, the Levellers, in his own County of Somerset, of which he was a Committeeman." *Regicides,* (1798) ii. 339.

Mr. Noble conjectures, from his having been omitted" among "the Committee of Southampton," that Sir Thomas Wroth "did not act under the Protector." *Ibid.* p. 340.

Colonel Morley. I would have none surprised by the question. Therefore, adjourn till to-morrow, and let this be the subject of your debate, with the additions. I am against adjourning for an hour. You will lose all your members. You were but two hundred and ninety* upon the last division.

Mr. Annesley. If men will not be satisfied without this question, put it if it shall be put, and I hope the House will so understand it as that it pass in the negative; and then all your debate is lost. I understand not what this addition will operate. I would have the first additions put first.

Mr. Reynolds. This Bill has had ill fortune. It came in irregularly at first; brought in by a privileged person,† without order. You cannot bring in a Bill to pass a subsidy without an order, and yet, to pass away three nations at once.

I am not against a single person, nor this single person, nor against another House. I am for the laws having another digesting, but I would have these bounded. I would have the question well understood and stated.

Mr. Swinfen took him down.

A great debate whether properly taken down or no, and then he went on.

Mr. Reynolds. We are now about transacting or trafficking. I would have us first understand upon what foot we are. Similitude is best to beget affections. If those that sit in another House have revenues and salaries out of the public, we sit at our own charge. Either go you up to them, or they to you: so much for the word "transact."

I never had my health since last motion to adjourn. We lost a day by it. No man is against a single person, nor against another House. We agree so far as we go together.

If we rise without doing aught, I doubt it will be the last Parliament that ever we shall have. Make the vote as passable as you can, at the peril of the vote that you pass it

* See vol. iii. p. 493.

† Secretary Thurloe. See vol. iii. pp. 26, 32, *notes.*

singly. Make it as pleasing as you will, it will hardly go down.

Mr. Attorney-general. According to a man's constitution, will be the digestion. That gentleman says he has been sick. It will not well digest with him. It was never known in any age that leave was asked to bring in a Bill to recognise the Chief Magistrate. We are not in love with this nor that, nor with any other question, but only with rules.

I move that the question be which was first moved. As to a salvo to the rights of the ancient Peerage, you shall have my vote for it.

Mr. Trevor. If it be an addition to amend the question, I shall not be against it; but if to destroy it, I shall not be for it. If you please, keep to the question and adjourn till to-morrow.

Mr. Neville. Your whole debate has gone to-day upon the bounds. If you put a question for adding or not adding, then you are barred from speaking against the question. I would, therefore, have you adjourn till to-morrow; else you will spoil the Committee of Trade, which is a great part of settlement, and much expected.

Serjeant Maynard. By your bounding, you do not say that the Protector shall concur in it. You will also bound the rights of the ancient Peers, which you have nought to do with. All this winding to me, in plainness, seems an aiming at no House. You turn out the old nobility, clearly.

Mr. Knightley. I am for approving, but against bounding. It concludes the rights of the ancient Peers. It was meant in the constitution of the other House, that they should only be for a second digestion of laws. I conceive it is a fair question. I desire it may be put with the additions offered.

Sir George Booth and others moved to adjourn, and the House was adjourned accordingly; and rose at past one, and the debate adjourned till to-morrow morning at eight of the clock, to be then proceeded in, and that nothing else do then intervene.

The Grand Committee of Trade sat,

Mr. Scawen in the chair.

The Committee for approving Ministers,* sat in the Speaker's chamber.

Mr. Hewley in the chair.

They proceeded with part of the Bill, and adjourned till Tuesday, at three.

Saturday, March 5, 1658-9.

Prayers.†

Mr. Stephens. You have voted a Chief Magistrate, and worthily. You have said you will bound him. You have only mentioned negative voice and militia. This is a part, and a great part of the bounds. If his Highness have power to appoint another House, both as to numbers and persons, it is a great privilege. It is so far from bounding, that it will rather enlarge his power.

I conceive the persons that now sit in that House, do not sit by that law called the Petition and Advice. The explanation says, they "shall be respectively commanded," &c.‡

1. The Petition and Advice will not enable him§, and is not pursued; neither in truth is the writ grounded upon the Petition and Advice, but according to the common law. I move, therefore, to have the writ brought in.

* See vol. iii. p. 548.

† Blank in the MS. The previous entries of this day, after directions for new writs in the cases of members doubly returned, were:—

"Mr. James Herbert presented to the House the humble petition of John Herbert, youngest son of the late Earl of Pembroke, deceased; and it was ordered that Tuesday next be appointed for the reading of this Petition.

"The House, according to the order made yesterday, resume the debate, That this House will transact with the persons now sitting, in the other House, as an House of Parliament." *Journals.*

‡ See vol. ii. p. 298, *note.*

§ The Protector, Richard.

2. It does not judicially appear before you, that those are the persons called by the Petition and Advice.

The last Parliament, that very Parliament that made them, would not transact with them.* If they must be the members, why should not we approve them? I think we are as full and as free a parliament as that, and we have as much right to approve.

I look upon the persons in the other House, as standing in a throng at a little door, through which they cannot enter. There they have stood three days, while we are thinking of an expedient how to bring them in. Whereas, if they had gone in one by one, all, or most of them, peradventure, might have been in before now.

I suppose it is not intended to exclude all, nor admit all. I shall never include all those, nor exclude all the other in a lump.† Why may we not then go to approve them one by one? I am against that addition offered, viz. not excluding the rights of the old Peerage. I doubt that will exclude them in fact: I therefore move as before, that the old Act be repealed, and then they come to their rights of course; and I would have an Act brought in, that such of the old Lords as have demeaned themselves with honour and fidelity, for their long continuing so may be summoned to sit in that House.

I know no reason why you should give away your right of approving the members of the other House.

Here is a list in print. If you please, I move that we approve, of those now sitting, beginning at the bottom of the list and going up to the top.

Mr. Goodrick. I cannot let such a good motion die. My opinion goes along with it. I would have only this addition, "with the consent of his Highness," that being but reasonable; and that you begin at the end, and go through the list, to approve them.

Mr. Stephens. There is a noble person in this House,

* See vol. iii. p. 339. † See *supra*, p. 13.

that has the writ in his pocket. I move that it be produced by Sir Arthur Haslerigge.

Mr. Speaker reported the sum of the debate, how that several questions had been propounded. He prayed them to keep close to the debate, and single out one question to speak to.

Sir Arthur Haslerigge. I am a free-born Englishman. You may command me when you please to prison, but out of this House of Commons will I never go. I cannot be forced to sit in another House. I will never do it while I live. If you please to command me to fetch the writ, I will have it presently.

Mr. Boscawen. I move that he produce the writ.

Mr. Knightley. It is not likely he has the bees'-wax in his pocket; it would be melted. I doubt it is melted already, because he will not own the writ.

I would not have us wander up and down. My humble Petition and Advice to you is, that you would go with a Petition of grace to his Highness, to have the old Lords brought in. It is told you very well what fault there is in the Petition and Advice as to that point. Intreat his Highness to send some noble persons in there, to advise with you. Tell him your straits.

Mr. Gewen. I say there is no need of repealing that Act against the Lords. It is not to be thought of. It was never a law. Besides, how will you repeal it without the other estate? They, now sitting, will never consent to pass it and destroy themselves. It is not an Act of Parliament. That Parliament died with the King, and so the Act is void of itself. Again, one House could not have power to destroy another; and therefore, without doubt, the old Peers have a right still in them. I know my twenty-four letters as well as the learnedest man.

The old Lords are not taken away. I therefore move that they be summoned. Let us do righteous things in righteousness. The persons sitting are honourable persons, but I should be loth to put them in another's right. Let the old Lords be settled upon the old foundation, and then you and

his Highness add whom you please. I will except against none. *Nemo læsitur, nisi a seipso*, is a true rule. It is said, the officers of the army are your army, under your pay. Shall then the single person make them a part of the legislature? That is a disposition of them indeed!

I cannot agree the Petition and Advice to be a law, because made only by two estates. The single person and this House cannot make a law; besides, *demittetur pars, relinquetur pars*. There was but a piece of a House. We were not kept out by force, but by a vote.*

I hear prudentials much pressed upon us, why we should not call the old Peers; but I am not for prudence against righteousness. My understanding will never lead me to do any thing unjust. There was never any foundation lasted, that was not laid in righteousness. Fear hath had some influence. The serpent sees best out of the dove's head. There are two fears. The fear of man is a snare, but the fear of God is true understanding. I have no fears to do justice.

I would have it presented as a Petition of this House to his Highness, to call the old Lords to advise, &c.

Colonel Birch. You are much out of the way. It is told you, you are upon an unrighteous foundation, till you call in the old Lords. An affirmative commands not, always.

If it be a duty upon us to do it, by doing it out of time, we may not do our duty.

An addition is offered you, not to exclude the rights of the old Peers. That or any other addition may afterwards be made; but first put the question which lies before you, that you will transact with the persons, &c.

Mr. Neville. All the motions are irregular. I am for another House, but not for this, nor that, but another. I am, in truth, against both these Houses.

I think you are going to vote that which cannot be, though you should vote. There were two ends of the other House.

1. For a balance, and that is impossible now to be. No

* See vol. i. p. 262, *note* ‡.

power in England can be a balance. There can be no support, no subsistence for it, but by force. That which made them a balance before, was their great power and interest in the nation. Then every lord of the manor was called. They represented their tenants. Thus the whole nation was truly represented by the Lords, and no need of a House of Commons.

The Commons will be apt to say, shall we have a vote stand between us and home? The people will never return to them without force, or be subject long. We have known when the Lords refused to consent to a Bill, the Commons sent up a messenger to know the face of that Lord that refused it. Another time, this House sent them word, by Sir John Evelyn,* that if they would not pass an ordinance, they would pass it without them.† This will not be endured by the people, to have a sort of privileged persons to obstruct the passing their laws.

The Commons at present are much more considerable than at that time, and the Lords much less. Therefore, as to the balance of power, it will come to nothing. Heretofore the Lords' House paid this. There were so many blue coats in

* Member for Blechingley, in the Long Parliament.

† "May 6, 1646, "a conference was held" between the two Houses, "by desire of the House of Commons," on the disposal of the King's person, from the Scots' camp before Newark. Sir John Evelyn then said:—

'Your lordships have heard the sense of the House of Commons, how much they conceive themselves in honour, to have this vote to be passed. Therefore, they hope your lordships will never depart from bearing your part in such a demand. They will be very unwilling to be necessitated to this without your lordships; yet if your lordships shall not think fit to agree with them, they shall never fail to do their part in making this demand: it being a thing wherein the Parliament and kingdom are so much interested."

May 13. On a report of this conference, "the question was put, whether, by these words; it doth not appear to this House, that the sense of these words are, that in case their lordships do not agree with the House of Commons, that they will do it without them? It was resolved in the affirmative." *Parl. Hist.* (1755,) xiv. 384, 396, 397, 402—404.

our father's remembrance, that sat in this House, as we could see no other colours there. Near twenty Parliament-men would wait upon one Lord, to know how they should demean themselves in the House of Commons. The Lords paid the Commons then, and we must now pay the Lords.

The King would have been glad to have had tonnage and poundage for ever. We are now having an excise for ever.* If this be at any time thought grievous, you can never lessen the charge nor grievance of the nation. You give them salaries to be your balance. For these persons, they depend upon the single person, and they are paid by the public revenue as well as the single person, so as you will have two negatives upon you, both in pay by that revenue, when you think to diminish it. If the King had stood in no need of money from the people, we had had no Parliaments. The great Turk had been amongst us.

The second use of another House is to bar the sudden and precipitate passing of laws, for that, indeed, I would have the other House, either to consider of laws before or after they are considered by you; but I would have them chosen either by the people or by you,† so that they might rise or fall with you.

I shall move you, that you will not transact with those persons. There is much more to be said for the old peerage being neuters. They have no dependency. They are but as rich commoners now. They are no more. Let us have them rather than the other; as much more fit and indifferent.

Mr. Drake. We have every day divers questions. I desire you would hold us to the question. The argument of force is not of much force with me. If there has been any Parliament since 48, nay, since 42, which has not been under force, I shall be satisfied.

If a ship come home safe through many storms, yet if it bring home good commodities, it is well. If through a storm we came here with good commodities, I hope you will not reject them.

* See vol. i. p. 292, *ad fin.*; ii. 461. † See vol. iii. p. 148, *ad fin.*

Paul and his fellow prisoners were not saved by the ship, but by the pieces of it.* If he had refused to be saved, unless he could have been saved by the whole ship, he must have perished. So we, if but saved by the pieces, must not refuse the means, nor fall out with it.

We may bound these persons well enough by the Petition and Advice. Divers objections are against them.

These persons have not interest to be a balance.

They are a good balance. Their interest is deep enough. They that have engaged so much, and ventured their blood to be a balance against tyranny, cannot allow that any should tyrannize. To preserve their interest, is the best way to prevent confusion and destruction of the whole.

It is objected that they are mean persons.

But that should never be an argument made use of against them in this House; for the meaner they are, the better for us.

That it will affront the old Lords, and exclude them.

It will rather be better for them. For if the authority of that House be quite broken, their hope will then be less than ever.

That there are many soldiers.

Then the better guards.

It is said that a great many judges are there. It will obstruct appeals.

They are in those cases to withdraw.

My motion is, that you will transact, &c.; and if any addition be offered touching the rights of old Peers, let it be afterwards.

Mr. Trenchard. This other House is such an ambiguous word, that it occasions all this debate.

My judgment concurs wholly with your vote for two Houses. The question now is, what that House shall be, whether constitutive or restitutive. Restitutive is dangerous. Constitutive hath conveniences.

It is exceeding dangerous to restore the old Peers at one

* *Acts* xxvii. 42.

blow. When that is done, you have done with bounding. They will bound you. It is settlement I look after. By the same ground you may bring kingship, bishop, and all that. Nay, I know not but they, in conclusion, will put you out, if you put them in.

There is nought of constitutive power in the Petition and Advice. It is fit you should add some powers to them. I would have you constitute a House rather. It will make way to restore all the old Lords that are capable.

Determine whether this House shall be a constitutive or restitutive. Then you may mould a House, else they will bound you instead of your bounding them. This is the way to make this House serviceable to the Commonwealth.

Mr. Annesley. I see it is growing so common to speak twice to a question, that I shall venture to speak again. I shall not speak of the right of old Lords. They have strength enough to stand of themselves. The House is so fully satisfied of the indispensable right of the Lords' House, as I think no vote will pass to exclude them, and there will be no need of restoring them. If you do not exclude them, they are good to be a balance between the Supreme Magistrate and the people, and to supervise and protect the laws.

That which is said of the interest of the Peers, that it has failed, is a great mistake. There are as great a number of Peers that have not forfeited, as were in the beginning of Queen Elizabeth's reign.

It was said the Commons will not bear them. We find the misery of that success.* I hope we shall never have that again. The multitude we represent are the great waters. We are yet under the miseries of that inundation. Perpetuating the excise, &c. was done by the House of Commons.† If there had been a screen, it may be, the liberties of the people had been better looked to.

If you please to go from addition to addition, else we shall never come to a resolution. I pray you let us go from point

* Which enabled the Commons to vote the Lords useless.

† See *supra*, p. 25; *Scobel*, (1658,) pt. i. pp. 452—477.

to point, if we can agree of aught. A fate hangs over us. We shall not know what to think of ourselves, as the people know not what to think of it.

Let us have any settlement rather than no settlement. I beseech you, keep us to something.

Mr. Turner. It is more ingenuous to give a plain negative to the question, than to put an addition to it which destroys the question.

It is objected, they are no House till "approved of by this House." The letter of the law is clear, "without approbation of this House," the words are exclusive enough.*

Many arguments have been used against transacting. It has been sharply urged upon us as to the persons, that the House consists of Major-generals that are taken out of the country, and set in a House of Parliament.† If it were so, they are taken from an unlimited power, to be circumscribed by a law. I fear not the persons, but their powers; but I am sure it will be our great unhappiness, if by the misfortune of this Parliament they should return to the‡ same power again.

But the strongest objection is; will you vote to transact with them before you bound them? I know no bounds you can apply to them without consent, other than are put to them already. You cannot bound them farther till you transact. If you agree the powers, you must do it by a law. That must be by consent of both Houses, and your very carrying up a Bill to them is to transact. Why should we be unwilling to say what we actually do? We cannot make laws without another House. Our own vote bars us.

I dread to think whither the revolutions of another war may carry us. I appeal to any man if aught can be settled but by a law, and that to pass two Houses. It is the most wise, just, and prudent way.

I do think it best, for these and no other reasons, to pass the question before you. If we rise, *re infecta*, we shall leave the nation in a worse condition than we found them.

Lord Lambert. It is plainly and truly told you from the

* See vol. i. p. 386. † See vol. iii. p. 568. ‡ See *supra*, p. 11.

bar, that you must transact with this House. If this be the argument, there is no answering of it. You can make no laws without them. You cannot bound them. They already know their bounds.

If it be said you can neither bar nor bound, till you transact with them; if I might advise you, I would have some previous vote to assert your own privileges, and what is the right of this House. You may then easier assert the Protector's and the other House's rights.

Colonel Bennet. A good inclination appeared in the noble person that spoke last. He is willing that all things may be brought to a right end, as to the preserving the liberties of this House. He offered you some previous vote. As the people's temper or distemper is for no other way of settlement but by a single person and another House, the question is, how we shall do this, and preserve and secure our own rights and liberties.

I shall conclude with that gentleman, if it be a duty that we must restore the old Peers, let us do it. The generality of the House stand obliged in conscience to the contrary. This point of prescription hath been so interrupted in all ages that it has no foot to stand upon as to that. Long after the Conquest, the great assemblies with the Prince, were but in one House.* The armory of the gentry did not descend hereditarily till after the Conquest. It became hereditary then, *non sic ab initio.*

This House is anciently the Parliament of England. The Peers have no such right. If it be not for the common good, no right can be pretended. The prelates (bishops, I cannot call them, it is a good name,) they had a right; the Court of Wards the like. They were *jus sine jure*. Hereditary legislature has been destructive to the people of the nation.

If a posterity of ruined gentry and ruined nobility shall have it put in their hands to make a price of the Commons, and for a time have a party of the Commons to back them, it is as great a temptation as ever Achish, King of Gath, had.

* See vol. ii. p. 349, *note* †.

There were hereditary officers in the nation; those were thought to be dangerous; hereditary sheriffwicks. Those arguments as to persons bind throughout; and bring Charles Stuart in manifestly, and with open face, not in at the back door.

There are not two in this House, I believe, against another House; but I am not absolved of that oath against a House of Lords. I believe others are so. Let us lay aside what cannot be taken up without peril, and take up that which may come to the best settlement for the present, and for our children. I am for a government with defects rather than for none at all.

Why may not some preliminary votes be made, to preserve our rights? I cannot say the Petition and Advice is not a law. The law of nature bids us own the possessory power. Secure these things, let gentlemen propose them. I am for transacting.

Mr. Steward. I understand not how this right of restitution* comes before you. They do not complain to you. It is not judicially before you. Admit you be obliged to do them right, you must give them their ancient rights, else it will be no more than Naboth might have had for his vineyard, "a better vineyard."† If they submit to those bounds, they that were a co-ordinate power with you, are now a subordinate. The next House of Commons may bound them. They will not take it kindly from you. It is more for their service to transact with this House; saving the rights of the Peerage. By the constitution, his Highness is bound to call Parliaments of two Houses, according to the laws.

They, being now in possession, may be admitted, *de bene esse*; else you are wind-bound. You cannot do aught without them.

Captain Baynes. There is an inconsistency in your vote. If you vote them before you bound them, you cannot bound them afterwards. So it is, if you mean the old Lords. The like of the new Lords; for you cannot bound either, with-

* Of the Peerage.

† 1 *Kings*, xxi. 2.

out their consent. If you once admit this new House to be a House, you exclude the old Lords. Their number is up, within four or five. *

For the persons in possession, I should be much for them, if you could divide between them and their offices. The Government will then be solely in that House. It matters not what laws you make, or they consent to. If they have a mind to break in upon a paper law, they have a force to do it. If you go to balance a Government, if it be not equal in power, it matters not what the law be. If the militia be in another House, that House of Lords, you may be, or may bear the name of a House of Commons; but if you will not give them money, they will, in process of time, levy it without you. They will do it *de facto*, and better so than *de jure*. They have twenty-two or twenty-three regiments, divers garrisons, and the Tower of London.

If it be said, they have this power already, let us go transact. Admit they have it *de facto*, let us not give it them *de jure*. But I would have them come to this pass, either to recede from the other House, or from those employments, and their dependence upon the single person and the people's purse. And I would fain you would find a House of Lords that should signify the thing, and not barely the name, before you confirm the single person in his possessory right. I hear no other right made out yet. There may be another right. You are now about a constitution.

If those persons in the other House will become independents, I shall be for them.

It is an easy matter to make names of Lords. It is estates that make men Lords and esteemed in the country. If you take old lords by the lump, they will want estates. You will find many gentlemen among yourselves that have Lords' estates; but this is not before you yet. But if you vote now to transact, all other things are out of doors.

You are told you can do nothing without them; but I

* See vol. iii. p. 547 *note*.

think this House and the single person may transact without them, and have as much power as the last Parliament had, without them. You made them a House; but no power was then given them as to the legislative part: but they made it, themselves.

That Bill has not made them a House of Lords, unless going into that House made them Lords. It was not intended for them to be Lords. You denied that, the last parliament. It was in consideration, whether they should have a negative or co-ordinate power with you; some negative as to the judicial power, but nought as to the legislative.

It is said to you, that by the Petition and Advice they are not another House. I would have had it examined whether they be another House. I was against the question, because I did not know what fruit you would have by it. Add the words to the question, "whether you will transact with them; &c. as they are now constituted."

Mr. Nathaniel Bacon. We might easily come to a conclusion, if we could understand our own principles that we sit upon.

You have already recognized a single person, and Parliament to consist of two Houses. This Parliament must either have new bounds or old bounds. We are neither upon restitution nor constitution, but transacting.

Let us, first, consider our own condition, and whether this House could or can legally meddle with the persons that are members of the other House.

It is said, it is grievous to give them the powers that another House formerly had. We must, therefore, have other conditions.

How can we legally determine this of ourselves, or how, unless we transact with them? Why should we walk out of our duties? By transacting, we may come to an understanding; but this way we shall never do it.

It is said, we admit them with all their infirmities. No such thing. We may complain of it, if it be a grievance, that old Lords are not there. May not we complain of right? Are we here as we were in 49, when the King was

taken away, or are we on another foundation? I think we are on another foundation. Let us go to them without grievances.

Sir John Northcote. If you follow that ground laid down, you are on a sad ground. You can no more change persons than things.

We thought in the Long Parliament we might restrain the inordinate power of the Chief Magistrate. That was the ground of our quarrel in the late war; but by this argument we cannot, and it seems we cannot bound these Lords' exorbitant powers. I am sorry to observe the argument.

It is said,* we must take care we bring not ourselves under Major-generals. I did not expect that argument in this place. I did fight against an exorbitant power in the King's hands, and I will fight against it again to the last drop of blood, if his Highness command me, whenever such power shall be set up, if it be to-morrow, and in whatever hands it be.

It is objected† that Lords Lieutenants heretofore sat in the other House.

That was introduced but in Queen Elizabeth's days, and was then complained of. Besides, they were great lovers of the people. The Lieutenants were persons of quality, and the Captains men of estates. The common soldiery were the yeomanry. None had any pay. These are mean people, and must be paid by you.

You bring yourselves into the old condition of slavery, if you go to establish those with this external power. If you establish them not by a law, if they be established in their power, you establish slavery perpetually upon the people. If the civil and military power be joined together there by a law, some of them that offered force to Parliaments, and disturbed us, are sitting there, what they have done they may do. Job would not take part with Absalom,‡ but he did with Adonijah.§

* Vol. iii. p. 567.

† *Ibid.* p. 88. see *supra*, p. 11.

‡ 2 Sam. xiv. 29.

§ 1 *Kings*. i. 7.

I cannot be satisfied but that those persons, in consequence, may join to set up themselves, and pull down both the single person and this House.

I would have such an addition as may so bound them, that they may not enslave the people.*

Mr. Nathaniel Bacon. I said not that this House could not reform exorbitancies; but that this House could not do it without the other two estates.

Mr. Scot. All that is admitted is this: you may bound the single person and the other House, if you please.

If the old Lords be not taken away, then I have no right to sit here, by the writ of that person that summoned me; but by another person. The same argument makes the Duke of Gloucester King of England.† He has not forfeited. That

* Mr. Goddard's MS., from which I have derived several speeches omitted in the *Diary*, and very frequent corrections of passages, imperfectly reported, does not extend beyond this speech of Sir John Northcote.

† This Prince was born in 1640. During his father's imprisonment, he was placed under the care of the Countess of Leicester, at Penshurst, with a very competent tutor. After the King's execution, the Duke, with his tutor, and his sister Elizabeth, were removed to Carisbrook Castle, "with an assignation for their maintenance." Here, as Lord Clarendon appears to complain, the Governor "was required strictly, that no person should be permitted to kiss their hands, and that they should not be otherwise treated, than as the children of a gentleman." Thus "the Duke of Gloucester was not called by any other style than Mr. Harry." In 1652, he was released by the Parliament, and suffered to join his family in Holland. *History*, (1712,) iii. 525, 526.

It appears that Charles had contemplated a proposal to invest the Duke of Gloucester with the royalty. In one of the interviews with his children, permitted during his imprisonment, (see vol. ii. p. 211, *note*‡,) "he commanded" the Duke, as Lord Clarendon relates, "upon his blessing, never to suffer himself to be made king, whilst either of his elder brothers lived, in what part of the world soever they should be." *Ibid.* p. 69.

According to *Rushworth*, this subject occupied the attention of Charles, on taking leave of the Princess Elizabeth and the Duke, the day before his execution.

"The King, taking the Duke of Gloucester on his knee, said: 'Sweet heart, now they'll cut off my head', (on which the child looked very

argument is as broad as long. This House is like the heathen gods that were of a year-and-a-half's authority.

If a Parliament with the single person have constituted them——*

If I may say plainly, your passing-bell is a ringing. It is said, you must either return to Major-generals, or admit this Government;†, and, farther, they are in, how will you get them out? If so, you must fight them. You need not do it. If you say otherwise, the nation will not be really engaged or concerned in it.

What are you less than slaves, if you confirm them by the lump?‡ What are you then? A House of Commons, a council of officers, and a single person, appointing them.

Let them have the militia of the country. If ever that betray your liberty, I will fall under it. I wish I could say so of others.

If it be not in the design to bring in Charles Stuart, the argument does it.

They are your servants, and it is improper to make them your masters. You cannot, of nineteen regiments take away

steadfastly on him,) 'mark, child, what I say: They'll cut off my head, and perhaps make thee a King. But, mark what I say, you must not be king as long as your brothers Charles and James live; for they'll cut off your brothers' heads, when they can catch them, and cut off thy head too at last; and therefore I charge you not to be made a king by them.' At which, it was reported, the child, sighing, said: 'I'll be torn in pieces first.' Which, falling from one so young, made the King rejoice exceedingly." *Hist. Col.*, (1708,) vi. 604.

Sir Thomas Herbert only says that the King "admonished them concerning their duty and loyal observance to the Queen, their mother, and the Prince that was his successor;" bequeathing "to the Princess Elizabeth, Dr. Andrews's Sermons," and to the Duke of Gloucester, "King James's Works, and Dr. Hammond's Practical Catechism." *Memoirs*, (1702,) pp. 124, 130, 131.

The Duke just survived the restoration of his family, dying of the small-pox, in September, 1660. "Le Roi son frère, qui l'aimoit tendrement," says *Rapin*, "parut plus sensible à cette perte, qu'à aucun malheur qui lui fût jamais arrivé." *Histoire*, (1727,) ix. 168.

* Blank in the MS. † See vol. iii. pp. 567, 568.

‡ See *supra*, p. 11.

one. They have them all. It is said, the soldiers are in arrears. The officers, I believe, are not so. I believe they are paid.

Are those fit to have a parliamentary authority, that will undertake to abet the single person to levy taxes without you? We bind the girdle of war upon us in the times of peace, which you know was a curse elsewhere. Though some be men of estates there, yet the bulk are not such persons. I am rather for going upon qualifications than persons.

I deny their induction that say, I am neither for old nor new; but I am for such as may be serviceable to you. This is a kind of theomachy. God has fought against them, and we set them up. I may say of them, as was said of the Jewish ceremonies, first *moribundi;* now thus come to be *mortiferi,* to be noisome, like a broken tooth, useless, better to be pulled out.

What good will such a Peerage do you that must borrow 12*d.* to buy a blue ribband to distinguish their honour. It is said, you must bound them by application. It must be by supplication.

You say you will bound, and you will not bound. It looks like quibbling. This is like swallowing your meat, and never drinking after it. As the people said to Samuel,* "Nay, but we will have a King over us," though they seemed to advise with Samuel. When of your constitution, they will be most fit for a balance, more your kinsmen, bone of your bone. But these words, trusty and well-beloved cousin—these, like *judice meipso, teste meipso,*† make them too near a kin to the Chief Magistrate.

I have a learned discourse of Mr. Bacon's‡ by me, which makes out that the rights are equal in the people. They prevailed not *more jubendi* but *persuadendi.*

Appoint a committee to consider of what persons are

* 1 *Sam.* viii. 19.

† Referring to the writ. See vol. ii. p. 410, *note.*

‡ See *supra,* p. 11; vol. ii. p. 266. *notes.*

fit for that House, and then consider the powers and qualifications.

Mr. Attorney-general. I rise up to speak because you do not.

Mr. Speaker. I cannot.

Mr. Attorney-general. We are in for a month at this rate of speaking., I had rather that this House were laid aside by a question, than rove up and down thus, and do nought.

The first addition that was moved was, that nought in the vote should exclude the rights of the old Peers that are faithful. I would have you put that question first, that it is not hereby intended to exclude the rights of the old Peers.

Mr. Speaker was putting the question,

Colonel Terrill. This saving will not do it, for you admit that House to be a House of Parliament, and then there is no room for the old Peers.

I would have you first consider whether you will have that House or no, or upon what foundation they sit, and whether they shall be approved or no. That House mentioned in the Petition and Advice must relate to the last House, and not to this House.

Mr. Bodurda. I shall speak nought that has been said.

As to the objection that they are military persons.

1. That rule throws out all here that have commands in the army or garrisons.

2. If you throw out the Major-generals out of that House, you must also throw out very worthy gentlemen that have been Major-generals.

It is objected that they are judges.

The Chief Justices, Commissioners of the Seals, Chief Baron, were all in this House when the legislature was here, from 49.

The persons concerned must withdraw when any question is. How many here have a share in executing the laws of this nation. All justices of peace, I suppose, by that rule

should not come hither. This, in my opinion, turns all the edge of the argument upon those that make it.

Nor are only Major-generals in this House, but a great many worthy gentlemen here that were commissioners with them. I doubt we should then have a very thin House to throw them all out.

I have no thoughts of impeaching the rights of old Peers. Let us consider the original of their rights. The original of this and of that House must be the writ of the Chief Magistrate.

It is impossible that ever this House should have an original from the people. I cannot tell how to set the circle. Who can say all on this side Trent, Tweed, Tyne, shall set the bounds and circle, who shall choose? Who shall draw the line and circle. The original must be in the Chief Magistrate's writ.

The persons did not come and say: we are of great estates, but the Chief Magistrate thought them to be so.

Though I serve for a borough, yet I could wish we were upon a more equal constitution than by boroughs. Put the question when doors were opened last Parliament * that we had called in the old Lords. They would have said you are not the persons, that we will transact with you. You are not upon the old constitution; † two members for every borough, &c.

Then the parallel runs thus. Those persons that we are to transact with, we except against them, because they are not the same persons that were formerly.‡

If any persons unfit are there, they may be removed; as those that are here may be removed, if they be unfit; but it must be done ordinately.

It was told you the sword may be melted in the scabbard, and the scabbard not burned; and that our result was one way, and our votes another. If the sword be melted with

* See vol. ii. p. 316, *note.*

† See vol. iii. p. 74, *note.*

‡ In that House.

reason, I would not have us contend and fight with the scabbard. That is my motion.

Colonel White. I should join with that gentleman willingly, if his conclusion had not destroyed his premises. It is told you, that the ancient constitution of this, and the other House, was not from the people. I shall not look so far back.

We both build upon wrong premises, to speak plainly. While we palliate a wrong interest, we can never do things for the interest of the nation, whether upon an old or a new foundation. One of the three pillars is gone, as to the King, so it cannot be an old foundation. It was as good a foundation as ever the world had. I wish we had such a balance again, but that is gone. One of those pillars is destroyed, and I hope you are not returning to that again. No more to the old, now to the new.

1. They have either a foundation or none; if so, they have it by the Petition and Advice. I moved before,* to know by what words or terms they were constituted. If they are another House, this House was their father, and this House may order them, and bound them.

2. As to the persons, we have military men and judges amongst us. We have so; but have not such great matters before us in the country, as dissensions, erroneous judgments, &c.

Seven Judges, five Privy Counsellors, fifteen Colonels, so many among those that make the seventy within five.† All have pay from the public. If these persons could be divorced from their interest, I could like well that they should be in that House.

The ancient nobility served without salary, and I believe many of them would not sit with such persons that have salaries. It is not safe for the nation, to have persons for profit and interest to sit there.

Let us, amongst all these things, remember the people of England. We have taken an oath to preserve their liberties.

* See vol. iii. p. 589.

† See vol. iii. p. 547, *note*.

After you have voted them, you are concluded. You cannot then bound them.

I shall humbly move you that, in relation to the people's rights and liberties, you would, by some previous vote, assert that the power does consist in the single person and this Parliament; and farther, that none that have salaries may sit there. This does not put the Judges off their woolsacks, which is their place.

Mr. Trevor and *Colonel Morgan.* Lest we lose the benefit of this debate, adjourn for an hour.

Colonel Morley. I move against sitting in the afternoon, but if you will sit it out, I shall, though I have eat nought, accompany you.

Sir Richard Temple. I hope I shall offer what has not been said. There is a right, undoubtedly, before you, the right of the old Peers. This is well enough said to, already.

1. It is said, you have not materials for that House.

I must differ. If they have not such estates, they are much more suitable. When they had great estates they did overbalance. If they have but an estate to keep them from a dependency upon employment by the Chief Magistrate, it is enough.

2. As to the objection, against returning to that right.

Hereditary right is a grievance. I think it is a qualification very suitable.* They must naturally serve the interest of Chief Magistrate to advance their posterity. That continues them still in a dependency upon him.

3. It is said, those that are there may be more suitable.

I think this army a foot now are extraordinary. I hope in time we may be without them.

I have diligently attended the debate, and I find not, by ought that is said, that they have any foot in the Petition and Advice. They are called upon another foot. If he could by law have called them, he might have formed a writ; if there had been no such House in being. How, then, will the right of this peerage come before you? All the right in calling two Houses terminated with the single person.

* That they should not be hereditary.

You are now repairing breaches. This House and the Protector may as well join in calling the old Peers, as they might join in calling the other House. This may be done by way of address to his Highness. They are worthy persons upon the same acccunt that you are. They have estates to support them. I would as soon trust the ingenuity of them in bounding as the other House, seeing that cannot be without their consent. They have also faithfully served you, as well as the persons now in the other House.

My motion is, that your previous vote be, that you will repeal that Act which takes away the old Peers.

Mr. Solicitor-general moved to adjourn for an hour.

Major-general Kelsey. You are gone off from the old point. I would have this to be part of the question, whether you will have any saving of the rights of the old Peers.

Mr. Manley. I move to adjourn the debate for an hour or two, if you please to hold this debate.

Sir Arthur Haslerigge. The great order of the House is to preserve yourselves. I must die. It matters not to me if I die upon the spot. I am from my heart for settlement, but upon a good foundation.

The first order was to bound them, and now we must have the question swallowed. Many of us are to speak to the matter of the question before there be additions. Much has been said for the right of the old lords, and a great deal to be said to the question. We have sat many Lord's days,* but no such need of it now.

Mr. Hungerford. As we must sanctify a day, so we must sanctify ourselves for a day.† I would, therefore, have you to adjourn till Monday.

Resolved that this debate be adjourned.‡

The Committee of Privileges sat in the House upon the business of Tiverton between Colonel Shapcot and Alderman Warner; it was carried against Colonel Shapcot, for which I am sorry.

* See *Parl. Hist.* (1763,) ix. 513, 514, xx. 316.

† See vol. ii. p. 266, *note* *.

‡ "Till Monday morning at eight of the clock; and that the same be then proceeded in, and that nothing else do then intervene." *Journals.*

The Committee sat late; I know not what other business passed. Nor could I attend any other Committee.*

Monday, March 7, 1658-9.

I came late.

Serjeant Waller reported from the Committee of Privileges, touching Malton, that the election of Mr. Howard and Mr. Marwood was good, and of Mr. Robinson and Major-general Lilburne not so †

Serjeant Maynard, Sir Walter Earle, Mr. Knightley and *Sir Lislebone Long*, moved to agree with the Committee.

Lieutenant-general Ludlow and *Colonel Alured* moved against it.

Colonel White. If you agree with the Committee, I move that it be with a saving to the right of New Malton.

Serjeant Maynard. I cannot allow that contradiction in your vote.

Sir Arthur Haslerigge. For your justice sake, recommit it; because you denied witnesses of New Malton, and admitted Old.

It matters not to me who come here. If the country choose them, let them sit. I have but troubled myself too much before in this kind. I shall never do so again. I have contended to bring in honest men, and when they have been here, they have not proved as I expected. I will never come at that Committee again.

Mr. Hewley moved to agree with the Committee.

* "Whitehall, March 5, 1658-9. This day, notice came of the arrival of an Envoy at Yarmouth, being sent from the King of Poland to his Highness the Lord Protector, and he came by the way of Holland. The persons on board the ship say, that they set sail from Holland since the time that the post came away, and that there had been news brought thither, which said that the King of Sweden had taken Copenhagen by storm; but we having no letters to verifie it, must leave it as a report." *Mercurius Politicus*, No. 557, p. 28. See vol. iii. p. 385, *note*.

† See vol. iii. p. 502.

Mr. Knightley. The witnesses of New Malton ought not to be excluded. They speak not in their own cause, but for the people's cause. We serve now for three nations.

Mr. Neville. There is a Petition in some person's hands touching this business. They make it out that their right was in the time of Henry VI. The like case is in Windsor. The writ goes to Windsor in general, yet New Windsor chooses always, and not Old. I would have it recommitted.

Serjeant Seys. I move to clear that right of excluding the witnesses. The party admitted on the other side appeared to be interested in both places. He swore against his own right, Again, this was laid aside, and they agreed to insist upon another issue, and upon that point of usage did the Committee judge. Nought appeared to the Committee, that New Malton had a distinct right. I move that the Committee have duly reported it.

Sir Anthony Ashley Cooper. I was not satisfied with the excluding the witnesses; only they said this was not matter of fact, but matter of right. This to me is as much as to say in what is not material, they shall be admitted, but in what is material, not. I move that it be recommitted.

Mr. Manley. The witnesses were justly excluded; for though they got not a piece of land by it, yet they got what may be a greater advantage, a privilege to send members here. In all courts wherever I came, if the witness is to gain or lose by it, he is always excluded.

Sir Lislebone Long. I wish this report had not come in. I would have it off your hands. This business of the excluding the witnesses is not now in dispute. The Counsel on both sides did agree upon an issue here at the bar, and there was no complaint at all of want of evidence; and the Committee went upon this very point. It appeared plainly, that the Lord's Bailiff was the Bailiff for the borough, and sworn by the Lord.

If you please to create yourself the trouble to recommit it, I shall not be against it, but I know not to what purpose.

Captain Baynes. By the common course of the country,

if a man speak of Malton, it is meant New Malton; and if of Old Malton, he says Old Malton.

In this case the clear failure was by excluding the witnesses. The Petition which was spoken of is in my hands. I have it here. It is from the inhabitants of New Malton. Whether will you hear it, or refer it to be tried at the assizes?

Mr. Danby. This did not pass upon a single testimony as is alleged. There was also my own testimony, upon my own knowledge. The right of the two towns was never disputed till now. A fellow, one Arey, got himself made Bailiff, but four days before the election, not duly sworn nor chosen, and never questioned till now. I was witness of divers elections.

Mr. Weaver. If you would do justice to both parties, you must hear both. It is but just, the Petition should be heard. It was never denied in the Long Parliament, or any Parliament, no, not in this, but in this one case. If you please, open your doors, that the five or six witnesses that were excluded, may be heard out. I would have it recommitted, that you cut not off a right at once, which none of your predecessors ever did.

Sir John Lenthall. I did attend the Committee, and in my opinion, the witnesses were well excluded; for if they did not swear themselves into an advantage, they swore themselves into the greatest privilege that can be. I would have you agree with the Committee.

Mr. Jennings. I move to recommit it, for it was not clear in my opinion.

Sir Richard Temple. I am sorry this has spent your time. I do not see what fruit you will have by recommitting it, unless to spend as much more of your time. Surely Old Malton was before New Malton.

Captain Hatsell. It is no wonder to me that this takes up your time. I always thought it would; for I reckoned it a very hard case, that the witnesses should be excluded. It is not for your honour that the witnesses should go into the country, and say they could not be heard, but were excluded by a vote. I would have it recommitted.

Mr. Turner. We asked the Counsel to what purpose they would apply these witnesses, and they answered ingenuously, it was to prove a right for themselves. Divers New Malton men that lived in London, were admitted. The case was very clear to me that Malton *in genere* had right to choose.

Colonel Clarke. The reason offered for excluding, is no reason to me. All witnesses have, in all other cases, been admitted, till this case. I move to recommit it.

Colonel Okey. I was no more satisfied with the vote, than I am now with the report. I sat up so late at that vote, that I was not able to attend in five days.

Mr. Goodrick. I move to agree with the Committee.

Mr. Trevor. The case was thus; whether the parties should be witnesses. I attended the Committee, and it was the honestest vote that ever passed.

Mr. Reynolds. There has been a thousand as honest votes as this, and there may be a thousand more after this.

I was not satisfied with it. The witnesses did not swear themselves any advantage; rather a trouble, if we should take our wages.*

Put the case, that none but servants be at making their master's will. Though they be legatees, their testimony shall be taken. I would have you do it the same right that you did in the cases of Dartmouth and Petersfield.†

Serjeant Waller. The cases of Dartmouth and Petersfield differ from this. He that spoke last, mistakes the law. A legatee cannot be a witness for his own legacy. First, his legacy must be paid, and then, his testimony admitted.

Mr. Steward. I hope what is law in Westminster Hall will be also admitted here. The case of the legatee is clearly answered. I shall not mention it again. I would not have the Long Robe reflected on for giving their judgment so in point of law. (It seems Okey had reflected.)

Lord Lambert made a large narrative of the business, and concluded to the favour of Luke Robinson, and to recommit it, upon the whole matter. He spoke for an hour.

* See vol. iii. p. 499, *note.* † See *Ibid.* p. 348.

Mr. Bodurda moved against the recommitment.

Mr. Hewley moved for Mr. Steward to speak.

Mr. Knightley said, it was never denied.

Mr. Steward. Lord Lambert has misinformed you; for the evidence was, that in 45, Old Malton and New Malton did both choose.

Mr. Grove. This has cost you more time, than New Malton and Old Malton are worth. You have already spent three days about it, and now another day. I know, am sure, the Western men were all well satisfied with the debate. Some Northern men were not satisfied.

The question was put to agree with the Committee.

Mr. Speaker declared for the *Yeas*.

Captain Baynes declared for the *Noes*.

The House was divided.

The *Yeas* went out, against reason, but Mr. Knightley, Sir Walter Earle, and Mr. Speaker ruled it.

Yeas 173. Sir Richard Temple and Mr. Bayles, Tellers.

Noes 142. Colonel Allured and Captain Baynes, Tellers.

So it was resolved to agree with the Committee, &c.*

Mr. Howard came in presently, and sat.

Mr. Knightley. When you were divided, there were strangers among you, and not only so, but parties themselves there. The room ought to be cleared.

It was past eleven before this business ended.

The order of the day was read.

Colonel Rigby. The state of the quarrel between us and the King, was the negative voice† and the militia.‡

He was taken down. It was said, he did speak to this business two days ago.

* *Vide* the vote, *infra*, MS.

"That Old Malton had a joint right with New Malton, to elect and send members to Parliament for Malton, and that Philip Howard and George Marwood, Esquires, are rightfully elected burgesses for the borough of Malton, and ought to sit in Parliament; and that the indenture by which Colonel Robert Lilburne and Luke Robinson, Esquires, are returned, be taken off the file and withdrawn." *Journals.* See *Parl. Hist.* (1766,) xxi. 259, *note.*

† See vol. ii. p. 451, *note* §.

‡ See *ibid.* p. 435, *note* *.

Lord Lambert. I move, though he have spoken, that he have leave.

Mr. Trevor. I move that he be not heard, unless he have new matter.

Colonel Rigby. *Salus populi* sways with me, and is my principle. I shall not be against the Judges, or the officers sitting there, but not to give all things away at a lump.

After you have passed this vote, you cannot then bound them. *Consensus tollit errorem.* I would have you go about to bound them, before you pass this vote.

Mr. Speaker repeated the matter of the debate, and said, that which is most insisted upon is, that this vote should not exclude the right of persons of the old peerage that have been faithful from sitting, if they be duly summoned by writ.

Mr. Chaloner. I doubt this House has some infirmity that they dare not show themselves. I fear they are troubled with King's evil. They have all the legal military power there.*

This is a catching question, and I never knew such questions thrive. It was always, at last, discovered.

A Judge Rolles,† learned and honest as any, was shuffled out of his place by the Lord Protector, and another put in his place. Three worthy lawyers were sent to the Tower. It cost them 50*l.* a piece for pleading a client's cause.‡ One Portman was imprisoned two or three years without cause.§ Several persons were taken out of their beds and carried none knows whither.‖ If any of these

* See *supra*, p. 31.

† Lord Chief Justice of the Upper Bench, who died in 1656. He was one of the six Judges who accepted commissions under the Commonwealth. See vol. ii. p. 431, *note* *. Mr. Noble, not so likely as this speaker, to be correctly informed, says, "that his Lordship, disliking his situation, prevailed upon Oliver to accept his resignation. (*House of Cromwell,*) 1787, i. 431.

‡ See vol. iii. pp. 104, 167, *notes.* § See *ibid.* p. 494.

‖ Lord Clarendon, describing the late Protector's administration, in 1658, says: "he caused very many persons of all conditions, most of

things happen in intervals,* who shall call them to account?

If you vote to transact, they say, no. Where are you then? You are lawgivers. You must presume all men are bad. If all men were good, there would need no laws. The greatest faults that ever Kings had, they could not limit their greatness. No tribunal could call them to account. Can any be higher than Lord Chief Justices, and Lord Keepers. How shall the subject have justice? Privy Counsellors are in salary now. This was never known before, in any King's reign. We had no pay in the Long Parliament. If we should go about to lessen the army, we cannot do it without their consent. It is likely they will not be their own executioners.

Consider what is this third estate. Are they Earls? What are they? You agree not where you will meet,† and whether your five hundred persons of estates here shall go up and stand bare before those that receive pensions and salaries from you. This is dishonourable. If they commit treason, felony, &c. who shall try them? They will claim the same privilege.‡

The old Lords had no office, not so much as a Justice of Peace's place. Those are otherwise. They act in all offices in the country, and come here to have the highest legislative. I cannot agree to transact with these persons as Lords.

Mr. Swinfen. I shall answer objections against the constitution, as it now stands. It is said, there are there officers of the army commanding eighteen regiments. I answer those that formerly sat there had such strength as then the nation had, Lord Admirals, Lord Lieutenants,§ and in a time when the militia was not so to be asserted in this House as now.

them such as were reasonably suspected to be of the King's party, to be surprised in the night, in their beds, and, after some short examination, to be sent to the Tower, and to other prisons." *History*, (1712,) iii. 606.

* Of Parliament. † The Other House.

‡ As the ancient peerage. § See vol. iii. p. 588. *supra*, p. 33.

If they be in or out of the House, that objection will lie. Still they have the same influence, wherever they are.

Admit they were in this House; for you will not utterly exclude them from the legislature. The original motion for money is in this House. Then they may do you more harm, for if their interest and will be so great, it will work more here.

Admit them to be out of both Houses. Their force, influence, will, and interest, will still work.

But admit they be in that House, they will be known, if twelve or thirteen stand out against your resolutions.

As to the second objection, the Privy Counsellors and Lord Keepers and Lords of the Star-Chamber were always in that House, so that those arguments go against all Houses.

As to the interest of the old Peers. That is a great objection. I would have it well weighed. I shall consider it, either as to the present calling them, or to the not excluding them.

I could give good reason why restoring them is for the good and safety of the nation; but I see your sense is against it. Some are for no House, others for this House. Few consider the old constitution. If you will not restore them, will you then exclude them out of the legislature? They have faithfully and thoroughly served you.* Their interest is so great, that it is not for the service of the nation to leave them out. Let us, in our counsel, take heed how we distrust so great an interest, lest, if ever they should come into their power again, they may turn us out by requital.

But, to the inconveniences if you do not transact. The evils on that hand are far greater. If you cast them off, you are then the legislature. I say not but the army will bear, that you sit to levy money. If you do not, they will come to free quarter, and levy it themselves.

By denying this House, and not declaring another House, you vote, by a negative, all power in yourselves. If we do that, let us do it by an affirmative.

* See *supra*, p. 10.

If you rise and make no law, then must come raising money, and, I doubt, making laws, by that military power which we cannot be without, till the nation can be constituted on its own balance and symmetry. If we go back again, we lose this civil foot, our free election here, and to have a negative upon the legislature, and that no money can be levied without our consent, nor the single person rule but according to the laws. I doubt you will lose all. Let us have that we can have, if we cannot have more.

My motion is, to put the question for the addition, not to exclude the rights of the old Peers that have been faithful.

Sir Anthony Ashley Cooper. That is not the greatest objection, that those persons are officers in the army; but it lies not so strong against them in this House as in that House.

As to the old Lords, it is the way to destroy their rights which you take to preserve them.

Is not this the very case, as was remarked by Serjeant Maynard, of Malton? Agree with the Committee, saving the right of New Malton.

This is a saving that destroys the right. You bar their claim utterly by this, whereas you know not but their claim may come in more clearly. You make them and their interest your everlasting enemies.

A few new men, but in the room of old men,* what will the nation say? Let us consider what we can say to posterity. The remaining part of that famous Long Parliament would, in the issue, have rendered their designs famous.†

* See *supra*, p. 10.

† See vol. iii. p. 586. This speaker, whatever may have been his earlier associations, could have here designed only an ironical praise of the "famous Long Parliament." It has appeared, (vol. iii. p. 471, *note*,) that Sir A. A. Cooper was already retained in the now hopeful cause of Charles Stuart. *Locke*, also, having described his patron's counter-plot, in the Commonwealth's "council of state, of which he was one," against the intrigue of Monk with the French Ambassador, for his own exaltation to the Protectorate or the Royalty, adds:—

"This was that which gave the great turn to the Restoration of Charles II., whereof Sir A. had laid the plan in his head, a long time

Your laws and liberties are all gone. Two negatives are in one hand. An army is in your legislature, and 1,300,000*l.* per annum for ever.*

To say that a law made under force shall be a good law, and binding in reason, is against all reason.† That about the Bill of Sales‡ is but *argumentum ad hominem.*

If our neighbours say we look well, that will not satisfy. We must examine if we be well. I have sat sixteen years here, ventured my life,§ and bought lands, and my friends

before,' and had carried it on,"—and here Mr. Locke hides for ever, under a profusion of asterisks, the rest of this chapter, in the secret history of "the Art of Restoring."

Sir A., become Earl of Shaftesbury, thus writes to Charles II., in 1676, "whilst prisoner in the Tower:"—

"I had the honour to have a principal hand in your restoration." Then, as if he had forgotten his planning and practising, and all his solemn engagements against the return of royalty, he adds: "Neither did I act in it, but from a principle of piety and honour;" (no doubt, according to the royal estimate of both.) "I never betrayed (as your Majesty knows) the party or councils I was of." See "Memoirs relating to the Life of Anthony, first Earl of Shaftesbury," *ad fin.* Locke's *Works*, (1740,) iii. 496, 497.

Such was the versatile statesman, on whose epitaph, Locke, a grateful *protegé*, ventured to write: "constantiâ, fide, vix parem alibi invenias, superiorem certè nullibi. *Ibid.* p. 497. It will, probably, now be considered, that while Locke, on this occasion, "wandered in fancy's maze," Dryden "stooped to truth," when he described the Earl of Shaftesbury as "restless, unfixed in principles and place." See vol. i. p. 204, *ad fin.* ii. 419; iii. 471, *note.*

* See vol. ii. pp. 457, 458, *note.*

† See *supra*, pp. 23, 25, *ad fin*; vol. iii. p. 575.

‡ By "Serjeant Maynard," vol. iii. p. 571.

§ "Though the business of the field was not so agreeable to his genius as that of the cabinet, yet he displayed, in his military capacity, a great deal of courage and conduct.

"In 1644, Sir Anthony raised forces in the county of Dorset for the Parliament, was made Colonel of a regiment of horse, and took the Covenant. He marched with his own regiment and Colonel Jephson's to Wareham, then in the King's possession; and though he had not above 1500 men with him, yet he assaulted the outworks, carried one of them, and beat the Royalists into the town, which they surrendered on terms." *Brit. Biog.* (1770,) vi. 163.

and interest have done so. I always hoped, whenever you came to settlement, you would confirm all those sales.

True, a possessory title of Chief Magistrate was never questioned in Parliament,* but this is upon another foot, the Petition and Advice. How are you satisfied of that claim? Is there that done that will pass 40*l.* per annum, and yet are passing three nations† into the hands of some few persons to them and their heirs for ever?

If there be a necessity upon us now, where will the necessity be afterwards? Where will be our posterity? You might have had as good a government three hundred years ago.

What are you at present but a House of Parliament and a single person? Is there any such difference than when the Parliament was in 54? You must either transact, it is said, with them, or you must not transact at all. There is no such need. Are we bound to this or that other House? We are not bound. It may be, they will sit without us. I had rather they did so, and raised money, than that we should so bind ourselves as to be but bailiffs and servants to them.

It is but a shoeing-horn to tell us the right of the old Lords is preserved by this.

I cannot consent to transact, because it is against the right of others, the rights of this House, and the rights of the nation.

If you think you have no need of bounds nor approving, pass your question singly, and then I am sure you are bound for ever. If you will put it, put it singly. It shall have my negative.

Mr. Solicitor-general. These new Lords are bounded already; what more bounds would you put upon them? For their judicial power, they cannot meddle with *meum* and *tuum*, nor appeals and errors. This was a great privilege never denied to the House of Lords. Now they cannot meddle with any thing but what comes from this House. They cannot vote by proxies.

* See vol. iii. p. 584.

† See *supra*, p. 18.

Admit they be not bounded, how will you bound them? either you must bound them exclusive of themselves, and this House then shall wholly do it; or else, they must concur.

Are we under government, or under none at all? If under none, we are a miserable, unhappy people. If we be in a republic and popular government, then we may make a law exclusively without them. Certainly we must either transact with them, or with the Protector without them, or alone, or not at all.

It is said, we may transact, as we did in 54, with the single person.* By what law or foundation shall we transact? If you say you will transact with him alone, he may refuse to transact with you alone. He is under an oath, to rule by the Petition and Advice, and in all other things according to law. He is bound to two Houses of Parliament, and cannot transact but with them both.

If you can make a law to bound them, exclusive of them, you may also make a law to exclude them. What, then, will be the consequence? If you go on to say no law since 48 is binding, I doubt you will go back to 42, and what mischief that may be, I leave it to you to judge.

My advice is, to build upon that foundation, the Petition and Advice, which has in many things well provided for your rights. I had no hand in keeping out the members. I was not here at making the Petition and Advice.

But either you have a government now in being, or you have none. Those gentlemen that will not transact, must say the Petition and Advice is not a law, or that we are a legislature of ourselves.

My motion is, that you would transact.

Colonel Birch, *Colonel Fielder*, *Mr. Reynolds*, *Lord Lambert* and *Serjeant Maynard*, moved to adjourn for an hour.

Sir Thomas Wroth moved to adjourn till to-morrow.

Sir Arthur Haslerigge. Adjourn till to-morrow. We have attended six hours.

Sir Lislebone Long. I have observed, we never come

* See *supra*, pp. 31, 32. 52.

to a vote in the morning; put it off your hands one way or other.

Serjeant Wylde. I move against sitting in the afternoon. This council is a grave council and sober, and ought not to do things in the dark. A matter of this weight ought to be debated in the forenoon.

Divers others moved *pro*, and divers *contra*; but at last, it was

Resolved, that this debate be adjourned until three of the clock in the afternoon.

The House was adjourned accordingly at one.

Monday, March 7, 1658–9.

In the Afternoon.

The Speaker took the chair at half an hour past three. The House resumed, and proceeded in the debate.

Mr. Mussenden. You are in a track, and cannot go back or forwards; I could have wished the rights of the old Peers might have been saved. There is a necessity that you should transact.

I doubt our condition is like that of the Romans, *non ferri possimus.* We can neither endure the disease, nor the remedy. I will not, I hope, I cannot, say Hannibal is *ad mœnia, ad portas.* Yet you have enemies that would not think it any sin to be drunk with your blood. There must be *festinum remedium.* Nought but to transact with the other House, is so proper a remedy.

I confess *quod precibus emptum est, charum est.* You do not give away by wholesale. You cannot give it away. It is radically and inseparably in you. You may trust it. A power of revocation is essentially in you. There is no danger of trusting these persons. Pardon me, if I have too much charity for them. Those persons cannot betray this trust. They

have not only been a screen,* but a strong wall. They have gone through wet and dry, hot and cold, fire and water; they have not been green timber that will warp against the sun, as was moved.† Admit it to be *Qui color albus*, &c.

I doubt not but you may recal that trust, when it is abused. The people will stand by you. It is not in the power of those Colonels that sit there, to change the hearts and hands of the people against you.

Mr. Speaker, observe it. There is a great deal in this question. It is not only to transact with them as members of another House, but as another House of Parliament, exclusive of all others, it is clear.

Mr. Bulkeley. I was some days since to seek what to resolve in this great debate, and I am so yet. The arguments *pro* and *con* have great weight.

The consequences, if this vote be carried in the negative; they are more to me than a bugbear. They are real fears.

There are other fears grounded upon the Petition and Advice. They are bounded and limited already, both as to negative and affirmative power. We have also one great fruit by the Petition and Advice, in that case of succession,‡ else we had been in blood by the several pretenders. It is placed now in a most deserving person.

But a greater power is given to that House, by the Petition and Advice, than ever the old Peers had, in the business of money, which none have touched yet. I could leap over the rest, but this passed, I doubt it will never be recovered in any age.

I thought, till this debate, it had not been a law, but only intentional. I took it in the grammatical sense. I have consulted with some of the Long Robe, who tell me, if we once transact, we cannot alter a tittle of this Petition and Advice, without their concurrence.

This House never did so downright give away their privilege. All the advantage that this House ever had, was

* See vol. iii. p. 349. † *Ibid.* p. 557. ‡ See vol. i. p. 385.

that they had their grievances redressed, when they gave money. This is so large a supply as never was, 1,300,000*l.**

If the Parliament in 54 could have got over this, you had never been troubled with this settlement. It had been done to your hands so well, and properly bounded, as may be an advantage to you in this debate. This would not then be submitted to, else that Parliament had not been dissolved. This being altered, I must give my negative to whatever passes as to this question. This does so stick with me, that I cannot yet get off it, though I shall ever submit to your resolution.

I make a difference between settling this to perpetuity, and giving double the sum upon an emergency. I would not have us, after all our wars and debates and declarations, to give all away at once. Unless I be satisfied in that, I cannot do what I thought prudentially to have done: I shall sit still, till this be answered, and then submit.

Mr. Gott. All I have to do is to weigh the arguments on both sides, and state them as well as I can.

Without you come to transact, you can make no laws. He that is not a man cannot act as a man, and that which is not a Parliament cannot act as a Parliament. I would have every gentleman lay his hand on his heart, and seriously consider, before he give his vote to this. If we can act nought as a Parliament, let us go home. The Parliament split upon this very rock. When we go home what satisfaction will it be to them that sent us; what satisfaction to our consciences. We can make no settlement without this vote. We leave the nation to an arbitrary government. Any government is better than no government, and any civil better than a military government.

This is the House in being. There is no other House in being. Who shall we then transact with? We are not, as the last Parliament was. Have not we voted ourselves not a Parliament of ourselves? If there be any way to have another House ‡, let us know it. If not, then let us transact

* See *supra*, p. 51.

‡ Than the House in question.

with them that are in greater weight in this question than most gentlemen in this House are aware of.

That of money is a very grand objection, and other objections are grand. But consider whether our transacting do make those inconveniences. They were made before; or, if we do not transact, how shall we ever remedy them? That is the probable way to remedy them. It is all the way we have now left. It may be, they will part with their power. If I had been of that Parliament, I should rather have parted with my blood than have granted them that.

Another objection is, that hereby we confirm the Petition and Advice. Nought less do we ourselves, who sit by the Petition and Advice. For my part, I think we do not. The distribution was never agreed on. If they had not intended to alter that distribution, they would have left it to law. I came in upon the old constitution. I was glad to see the writ, to consult with the great men and nobles.* Constitution and foundation remain still, though Scotch and Irish are here and new boroughs.

The single person, by law, may make new boroughs. I shall make it out. There are precedents that Lords have been called to Parliament out of Scotland and Ireland.

We are now going into civil settlement. Shall we go back into blood and confusion again? In our times, we have seen soldiers, lieutenants there; Canterburys and Straffords there, but by the civil settlement we have been able to deal with them.

Is recognizing the Protector a going back to the old line? This is a little objection that has walked up and down, as not worthy of an answer. Is the calling of this Parliament going back to that line?

I am as little pleased with these Lords as any man; yet we are but one leg, and cannot go, but hop up and down without them. Though they be not to our content, I have seen a man walk very well with a wooden leg.

* See vol. iii. p. 511.

I can say as much for the old Lords as any man has said. Yet we are not obliged in conscience to insist upon their right, though we are bound to do nought against their right. Transact signifies no more than to act with them. This is but a concession *de presenti;* a word of diminution rather. The salvo offered upon our books remaining will be enough to discharge us, after that we have saved their rights.

I would have the addition put first, that all things in time may be settled in a fair and satisfactory way.

Serjeant Wylde. To transact with this other House is, as it were, the lapwing to drive you away from your nest. It admits them to be another House of Parliament.

I cannot understand these arguments of necessity. There is a difference between an act and an ordinance. An ordinance is but of one House; an act of both Houses.

Henry VIII. got an Act of Parliament to cut a man's head off without an answer. *

I put a great difference between the latter end of the Long Parliament and the last. There was a root. This was but *lignum.* We sit upon a remitter, a title paramount, the Petition and Advice. That Parliament was not called according to law. We sit upon a foot of law.

Si ex sicco ligno, you build a house,† I shall give my negative.

Colonel Morley. If I repeat aught that worthy person has said, I hope you will pardon me, for I did not hear a word of it. I stand up to answer my learned countryman.‡ His arguments were from prudence, conveniency, safety, and law.

I shall answer him to the point of law. I conceive they sit not by the Petition and Advice. If that Parliament could alter the Petition and Advice, as it did without the other, then may we also alter it. It was passed in May, and they came in June, and make these explanations.§

* See vol. iii. p. 522.

† See *ibid.* p. 352.

‡ Mr. Gott, *supra,* p. 56.

§ See vol. ii. p. 171.

To the arguments of prudence he has not given a word of answer in that threadbare necessity.

I should say something to "a shoeing horn."* That is for the heel, not for the head. It is rather a gilded pill, and must be sent down in syrups and sweetmeats. All the gilding and syrups shall not make me pass it.

Mr. Morrice. This will not vitiate persons, but your nature and your posterity. It will be like original sin.

This other House I do not look upon it as a disease in number but in species. I look upon it as one of the new buildings that ought to come under composition.† The foundation is not well laid. Architects will tell you, if the foundation be not good, it will not stand; and if it be so, it will be a perpetual nuisance.

At the peace of Sparta, the messengers said, how long will this peace last, for ever? The answer was, according to the conditions you give us.

The former reason of your transacting is, that they are another House of Parliament. If I should tell you my reasons against it, it is a yoke too heavy for a free nation to bear.

The Chief Magistrate may fill this House when he pleases, all at once if he pleases; and let it out to whom he pleases. He will be to blame if he put not such oracles and judges there, that will say, *æquum Cæsaris.*

He will have two negatives upon you. They will be but his echo. It was not so from the beginning. Persons anciently there, were persons of interest, that would be a bulwark and not to live upon you. Will you take the whole heap into the sack without any fanning.

I except against the constitution. I am against setting up our servants to be our masters for ever. To let a river out, and not bound it in what channel it shall run! Will any of you bring in a tenant into your house before you condition with him? All your overtures will be but as casting counters, to be reckoned according to the places they will put them in.

* See *supra*, p. 52. † See vol. ii. p. 25, *note.*

I cannot consent to transact with that House, till you bound them.

I shall say to you as was said to a young prince that was going to a charge; remember your ancestors, remember your posterity.

Mr. Knightley. I was fond of this question; now I am convinced to change my mind. It is prudence, as the word is now, not weakness, that puts me upon it. *Fiat justitia et ruat cælum.* We come to speak for our country. It may be a sad day, go which way it will.

It was told you by a good physician what were the diseases of that House.* The issue may be dangerous, which way soever it go. I had rather the House were agreed upon it if the question be put. Our great fear should be the fear of God.

I shall conclude with what was said, "Remember posterity."

Colonel Birch. You are upon a constitution and a restitution; there is a great difference between finding and making a Protector; between finding and making another House. The old right so much spoken of, will not answer to this constitution you are upon. I am, therefore, for that addition, that they shall not be excluded, when duly summoned.

I shall now come to the question before you, about transacting, as my memory will give me leave, being much shortened in your service. First, as to the persons; then, as to the purse.

Anciently, the Barons by tenure were of great use, but being now melted down, they are not so useful. All the use now of that House, is to have an inspection. If all laws that had passed since 48, had been inspected, it would have been much for your service. It is said† they have no interest! I answer, if the laws be bad, it is well they have a check any where; if good, the less interest they have, the less can they check them.

* See *supra*, p. 59. † *Ibid.*

If I were to choose them, who they should be, I should say the army should be there. There are not above twelve there. The uppermost are always most envied.

It is said, you are going to confirm such a Petition and Advice, as the three great tyrants, as was said, were together, could not frame the like.*

I think it is no such matter.

In the Parliament of 54, we had provided an Instrument; it was then said to us, of the Instrument of Government, "other foundation could no man lay." It was said to be our *Magna Charta*. It was smoothly couched, and drawn by a cunning pencil. Raising money was to be by the Protector and Council. Another clause was specious enough; all laws to be laws in three weeks,† but then nought must be contrary to the Instrument of Government. The money then required from the Parliament was 2,400,000*l*, we would have consented to 1,300,000*l* per annum, but it was refused.

Our Parliaments could not be free by the Instrument; there is not a word in the Petition and Advice that the Protector shall have a negative. Were it no more, but for this freedom of Parliament, I should be in love with the Petition and Advice. This revenue of 2,400,000*l*. was not to be altered without consent of Protector and Parliament. This article in the Petition and Advice says only, you are willing to settle 1,300,000*l* per annum. I find nought in the Petition and Advice to settle it; so that we are not bound by it an hour longer than we think fit.

I wonder to hear those gentlemen that pleaded for this Instrument of Government, plead now, as such great patriots, for the liberties of the people of England.

I like our old cause to be, not what we said it was, that were engaged in it, but what those that engaged us said. I ventured as far as any man:

1. To bring delinquents to punishment.
2. To have the military in the hands that we approved of.
3. The Council to be by us approved of.

* See vol. iii. p. 543.

† See vol. iii. p. 342, *note*.

4. Our estates not to be taken, nor persons imprisoned, without our consents; but the negative voice was never our case.* Thus far I went, and no farther.

I appeal if there be not more of this case provided for in the Petition and Advice, than ever was held forth yet; I mean, since our distractions.

1. The Council to be approved by us. I make much of this.

2. Those that are now called to this House, indeed, cannot be approved by us; but no other can be approved without us, that are called in afterwards. This is also dear to me; I find not a negative in this Petition and Advice. Send it up to the other House, and you may have it mended.

I never had any office nor any of my relations. I have no courtship, but I am glad to take hold of any settlement. I dread the consequence, if this should pass in the negative. You will certainly miss of your end. They that are not so well-pieced, this negative may make them gird their swords closer about them. (Some said he should not have said so).

By the same hands that you pull down this House, you pull down the single person. He that was last could well sit in the saddle, in all changes. I doubt whether it will be so now. If we miss this settlement that we are now under, we shall never come to it again. This civil settlement we must rest upon a force, and I cannot see but when we have put down one single person, it is but to set up another; and the pulling down these will put it into the hands of those that will never be quiet till their bellies be full.

Sir Arthur Haslerigge. These words of force cannot be endured.

The time was when I was not afraid in this House of greater force than I offered. I have had freedom to speak here formerly.

The interest of religion has not been yet spoken of. Put the ship once again to sea, and when it will come to harbour again I know not. Because we cannot have quiet upon this

* See vol. ii. p. 451 *note* §.

cockling sea, let us have patience. Those arguments to me are no more than he that puts me out of one House in a storm and shows me not another. We cannot give them one bond, but we add to them. If any difference happen about it afterwards, who must mend it? Must not this House that made it? It is not like the Instrument of Government. None knew the father of it.

The great charge of the accounts cannot be defrayed without settlement. You have your heart upon the pillar, this great pillar of civil settlement. If none in it but Philistines, it were not such a matter.

Lord Lambert moved to vindicate himself, and took exceptions at reflections.

I was always for the liberties of the people, and was either for putting water to quench fire, or to putting banks to water to prevent inundation.

The Instrument is buried in its grave. I would not have it raked into. I wish such language to be spared hereafter. I wonder much to see Colonel Birch so changed.

Sir William Wheeler. I move for candles, and also that humming be forborne, which is not parliamentary, nor ever used but at orations and in schools.

Sir Walter Earle and *Mr. Hungerford* moved that the doors be shut.

Sir John Northcote. I am sorry to see night-work. I never knew good come of it.

Resolved that candles be brought into the House.

Resolved that the door be kept shut from any of the members going out.

Mr. Hungerford. While you are debating to transact with them without, I doubt some of them are transacting with some of us, that will never let us rest till we come at where we were; rolling from one thing to another till you come at this.

I know not but it had been much more for your service and honour, and for his Highness's safety, to have restored those that have been faithful to you, I mean the ancient Peers.

It has been told you how weak the foundation is you are going upon. I cannot consent to transact with that other House. It is taken away by a law, and not restored by a law. It can be no House of Lords. Never was House of Lords named and approved by that House and his Highness, so it is no House at all.

Those feints, which come nearest the shape of man, are most ugly and dangerous. They that were content to be your equals here, do now contend to be your superiors. You are putting a yoke upon the people's necks such as never was before.

It is the expectation of the country to dissolve part of the army. How, then, can you dissolve them, if you give them this power? God will take our cause into his own hands, and revenge it.

You are now upon a settled foundation. It is not your wisdom to build on a broken staff.

Men that have transgressed the privileges of this House, that have been guilty of so high crime against the House, are not only ready to justify, but to do the like again.

The salvo is an ignominy and disgrace, like a slap with a fox tail. It is below the gravity of this House to do it.

I would have you first bound them. As the Petition and Advice was made by you and him, you and he may bound them.

I had rather the question were spoiled in the bounding, than that we and posterity, by a question, should be destroyed, by giving them a boundless power.

I had rather make my grave here than be buried when I come into the country.

I had rather go down and do nought, than do what is so destructive.

It will be called your wisdom, not delay. I am afraid, if you pass it thus, it will be your destruction.

It is not in my power to turn gentlemen's thoughts now, but if you will put the question, I will give my loudest negative.

Sir Jerome Sankey. I am sorry to hear arguments of

force so much used. I cannot call them but arguments of fraud. It is throwing dirt in your faces and in your army.

Sir George Booth. There are three questions, safety, usefulness, and honour.

As to safety. Consider whether they are upon an equal and even foot with you. You are not upon even ground.

I doubt you have but only your breath left. It signifies nought to me whether you bound them before, or after. It will be but a bauble to play withal. A sword cannot be bounded.

As to their usefulness. They are said to be a screen.*

They must then be considerable in property or relations. If those persons be so, I appeal.

Many have no freehold but their salaries, if you will put that among your tenures.

Their relations are not useful. They are gallant in their persons, but thin in relations.

Res ipsa loquitur. Some noble and meriting. It were but a very few.

Put what vizard you will upon it, I shall know the face, what face it is.

How honourable it will be; *res ipsa loquitur.*

I confess the old Peers are not so useful as to interest; but they certainly are better as to interest, than these.

Mr. Higgons. No man is so much their humble servant to the old Lords as I am; but it is not a seasonable time now.

I would have this question put, to transact with this House.

Mr. Francis Bacon. By ancient law, two Houses make a Parliament. The Petition and Advice says two Houses make a Parliament. Your vote says so. It is suited to your being, to transact; to your well-being to transact speedily.

A House of Commons never meddled with the other House; with the Privy Council they have.

Of twenty-five kings since William the Conqueror, fifteen had no colour of title. They sent out writs to whom they

* See *supra*, p. 55; vol. iii. pp. 349, 412.

pleased. If, when Richard II. was deposed, Henry IV. had called his enemies, where had his title been?

If we go about to bound them, we shall not do it till Michaelmas, nor approve them till this time twelvemonth. By the same rule, they might go to approve us. As many differences will come between these two Houses, as was between the two great Houses,* if we do not agree.

If we carry these to his Highness, he is bound, by his oath, to send them to the other House. If we intend a settlement, let us not stand off. We destroy ourselves. I confess I have great fears.

Mr. Reynell. The Parliament, sixteen years ago, were interpreting and construing themselves out of bounds of prerogative, and now we are construing ourselves into bounds.

This House was never wanting in allegiance and all submission in addresses. The Long Parliament, in 42, always applied to the King by supplication, till they were highly mortified.

It was offered by a gentleman, that he would spend his blood rather than have passed it. I hope it will be otherwise said, if any do consent to confirm† it.

My motion is, to put the question nakedly, without any addition, and I shall not be loth to give my affirmative.

Mr. Weaver. This House sits not upon the Petition and Advice. The word *trans* signifies beyond. It is beyond expectation of all good men, that you should pull down one House of Lords and set up another. It is beyond my understanding to know what you mean.

I have seen the writ; they are called Lords.‡ None, these five weeks, have moved you to return to a Commonwealth.

His Highness has not acquainted us that he has called those persons. It appears not judicially before you.

Gross exceptions are against many that sit there; but I am not against another House, for you to constitute. I think it may not be unserviceable to you.

* Of York and Lancaster.

† See *supra*, p. 57.

‡ See *supra*, p. 20, 22; *infra*, p. 78; vol. ii. pp. 401, 410, *note*.

Many of the council, such as have laid taxes upon the people, are unfit for sitting in Parliament.

The officers are generally good; but divers are not fit to sit there.

A little gentleman in London shall never have my consent to sit there.

I have better hopes of his Highness.

If it pass in the negative, as I hope it will, I would willingly have another House, and give them a consultative in some things, and in other things a negative, necessary in some cases.

It was affirmed for law, and I believe is so, that if you vote them another House, they and their children are Barons to all intents and purposes.*

It was pressed upon the old Lords to consent to a Bill † to vote Duke Hamilton and his adherents, traitors. They doffed us off as long as they could, and then locked up their doors for a fortnight.

Expect like obstructions in all necessary laws. Pass that question as it is, and I will give my negative to it. I shall then propound my grounds for another House. You can never bound these without their consent.

Sir Walter Earle. Make this addition, when they shall be approved on by this House; if the fifth article be so, as is moved. ‡

Mr. Stedman. I shall not now speak to the matter. I only speak to change the word sitting, for summoned.

Lieutenant-general Ludlow. Once pass this, and you cannot meddle with the Petition and Advice at all.

This House is not a proper balance. §

I move you would not transact with them. They are persons to serve that interest.

Those gentlemen have been guilty of all the breaches upon the liberties of the people. If I am alone, I would bear my

* See *supra*, p. 52. † See vol. ii. pp. 383, 384. ‡ See *supra*, p. 62.
§ See vol. iii. p. 148, *ad fin.*

witness against them. If you or they set themselves up above God, God will blast them.

Mr. Turner. I have sat here in three Parliaments, and we have still been upon foundation work.

There are two competitors before you. Prynne's Authority for the Lord's House,* and Selden's Privileges,† make their rights fully out. You must be judges and counsellors both, in this case. It is said you may be too righteous.‡ I understand not that; you must do right.

In the time of Ahasuerus, the Jews were reported to be dangerous and useless. A writing, a decree was published. Mordecai brought this writing to the Queen. She said, she might not go into the King. Yea, you must do it, said he.§

Who knows but we are summoned to this place, to do this great work? The parallel is strong in my opinion. *Qui non impedit, cum potest, jubet.*

You have a gracious single person; you have owned him with a great deal of duty. He will be advised by you.

Pari ratione, whatever the old Lords claimed, these may claim it.

The objection about the boroughs‖ is very material:

We do not use to graft a stock in a scion, but a scion into a stock.

Mr. Secretary. This is a very great question, and a deciding question. I am not worthy to trouble you in it.

The addition of bounding and approving, contradicts your question. It is thus no House at all, till you do approve.

Those that complain of the disingenuity of the question brought it in themselves.

* "Plea for the Lords, or a short, yet full and necessary Vindication of the judiciary and legislative power of the House of Peers, 1648." *Athen. Oxon.* (1692,) ii. 321.

† "Privileges of the Baronage of England, when they sit in Parliament, 1642." *Ibid.* 110. This was written in 1621, by order of the House of Lords." See Dr. Aikin's *Selden and Usher,* (1812,) p. 44.

‡ See *supra,* pp. 22, 23. § *Esther* iv. 14. ‖ See *supra,* p. 57.

If you have been misled into it, blame the gentleman that moved it*.

I do see, by the variety of opinions among us, that it is dangerous to go off from foundations. If this question go in the negative, in whose opinion must we rest? It will be best to keep our bottom and centre. I speak of the foundation of the three estates by the Petition and Advice.

If all power was in the people, the last Parliament were their undoubted representatives. They thought this most suitable, honourable, and prudent.

But it is said they did nought but what this House may alter. Your predecessors delivered up their power to his Highness. What they have given to the two estates, they cannot take it back again; it is against reason.

It is necessary to be so, for the good of the people. If this House should have nought to do, but to dispute principles and foundations, what should we fall into? Either into anarchy, or absolute tyranny, by the grasping of one single person, or two or three that have more wit and boldness than the rest.

Those of the old Peers are not excluded by the Petition and Advice. Divers are called, others may be. I shall not be against that addition.

They have not complained yet. All that you need do is, not to exclude them.

If this pass in the negative, all the power is voted into this House. Is it likely that then the right of the old Lords should spring out of this House?

If that † was no law, then is the law of indemnity ‡ out of doors, and divers other laws.

But it is said this law is weakened by the Protector's death. The establishment of this House was not a temporary thing. It will not be made out, it cannot. It is a constitution, well enough in being and well enough in power.

Another objection is, that the Lord Protector is not his Highness's successor.

* See vol. iii. p. 579.

† The Petition and Advice.

‡ See vol. ii. pp. 253, 255, 257, 283.

Those gentlemen are overruled by their own vote. The addition extends not to his Highness; but as to his limits, so that he is in, undoubtedly, by that right; and if he were but *de facto*, he might duly call them.

I take both to be laws, that law for taking away the Lords, and this law, a repeal *pro tanto*.

The great stress has been laid upon the persons. Judges, soldiers, and pensioners are there.

It is a bad way of arguing from the persons to the constitution. This way of arguing might have been, so long as the Popish Lords were there. They could not transact. The like for the Bishops.

For the persons, I doubt not but in after times they will be as useful for settlement and posterity as any. It is not fit to reflect upon them for what they have done in extreme necessity. Few, in other places, but have acted upon such necessity. That argument takes them not only out of that House, but out of their commands.

If this pass in the negative, you must make it good. As I said before, the power comes into this House. You must lay aside your officers, and change your militia. You must lay aside his Highness, for he cannot transact with you, without the other House. He is sworn. You will be just where you were in 48. You declare all that in the lump.

I cannot advise that this should pass in the negative. I doubt the consequence.

Sir Henry Vane. I am very sorry to trouble you so late. Could I satisfy myself with these grounds that have been offered, I should not trouble you.*

If you pass in the negative, all the power is here. If the contrary, I dare say then, all the power is gone hence.

I conceive, in passing this in the negative, you do bring all power into this House, but not in that way of a Commonwealth.*

When the power of King or House of Lords is melted

* Except as acting by a single executive.

down into this House, it is in the people, by the law of nature and reason. Death and tract of time may melt it and bring it down, but this shall never die. Where is then the anarchy, the sneaking oligarchy?

The representative body never dies, whoever die. Provision is made for it. By the law of the land, they could have come together if there had been no Protector *de facto*, but you are ever thus.

You have voted a Protector *de facto*, and put it in a way of a Bill to put it *de jure*, and I hear no arguments now against it.

The question is not now, whether the Petition and Advice shall be a law, but whether it shall be so far as it is argued to be a law. Or whether it be not a lame law, to bring in King, Lords, and Commons insensibly.

It was told you, by Mr. Attorney, of the Duchy, that this was a restitution.*

It is not told you how the power came into the hands of your old servants that turned you out of doors.†

As to the Petition and Advice, they declared here that it was made elsewhere;‡ and they gave you no more than they thought fit; a mere show.

A new family; one Peer in the room of another, and here's face about again.

Consider the fate of that King. I wonder to hear arguments of force used.§

If you pass this you pass all. The question is as catching as that of the French King.‖ When I consider how comprehensive this question is, I wonder how it should be thought to pass in the affirmative.

1. You admit this House to be a rightful House, upon the same rightful foot with yourself. You admit them to be fit and meet persons, and that this is for the good of the people.

* See vol. iii. p. 586. † In 1653. ‡ See vol. i. p. 378.
§ See *supra*, p. 62. ‖ See vol. iii. p. 569, *ad fin.*

2. You set up a means to perpetuate an arbitrary power over you, to lay yourselves aside, and make you for ever useless, I may say, odious for ever.

You settle 130,000*l. per annum*, such as never was done.* You have granted the excise and customs for ever, † and farmed in such a way as to make the people cry out their governors are very unnatural. The people would never part with customs. You can relieve no grievances.

Formerly you might have gone alone. Possession you see how far it goes.

The sore is, they are afraid that you should go alone to his Highness and complain of his sneaking counsellors.

God is almighty.

Will not you trust him with the consequences? He that has unsettled a monarchy of so many descents, in peaceable times, and brought you to the top of your liberties, though he drive you back for a while into the wilderness, he will bring you back. He is a wiser workman than to reject his own work.

Go you on to advise with his Highness. Advise him, in his tender years, of the maladministration. I know no hinderance but you may transact with his Highness alone, and agree of another House in the best way for the good of the nation.

Mr. Godfrey. We have been told,‡ remember your ancestors. Our ancestors, till 48, never knew that this trust was in you; nor is it by legal commission, unless you say: *cedo occupanti.*

Your legal commission gives you no power to consult, exclusive of the single person, or the nobles and great men. Your commission is to consult, consent, and determine. I dare not, I may not, as a case of conscience go beyond it.

I could not consent to this Petition and Advice, because my trust was against it. I was not then called to consult with them; now I am.

As I must not betray, so I must assume, a trust. It is equally to me a case of conscience.

* See vol. iii. p. 318, *note* *. † See *supra*, p. 27. ‡ *Supra*, p. 60.

I cannot therefore say I can do nought, because I am not made Omnipotent. I can advise, press, and reason, as far as I can. If this fail, I am discharged.

I must needs say, I am satisfied to consent to the question. I would have the addition put first.

Serjeant Maynard. I should not trouble you at this time of night, but that, in conscience, the principles of the *pro* and *con* cannot properly consist.

Those that say all power is melted down here, are quite contrary to those that would have the old Lords.

Do the old Lords complain? I do not think they would take it, and it is not possible to be done with safety. By going about to save their rights, we may lose our own at this time.

The word 'transact' is a plain rough word.

The question is, which is *minùs malum?* not what is *pejùs bonum.*

Being upon that law with them, you must with them transact, else you discharge not your trust. I shall not dispute what.

If it be no law, and you go to the Protector to pass a law to lay them aside,—this is plainly to declare himself no Protector. Both have one foundation. There is but one way for him to be Protector, and you say he is not that way. Then he is no way.

That was a witty motion by Mr. Hungerford*. I will not suppose such are unworthy, from the army having the power in the other House; yet what has been done, may be done.

There is necessity of transacting. Pay must be had for your army.

Laws are to be made against tryers at Whitehall, which have done more than the Pope or the Bishops ever did, to take away men's advowsons.†

* *Supra*, p. 63.

† "Commissioners for approbation of publique Preachers," were appointed March 20, 1653-4, by "the Lord Protector, by and with the consent of his Council." *Scobel*, (1658,) pt. ii. 279. See vol. ii. pp. 50, 55, 58—60.

In

Church laws must be settled.

Laws must be made against Quakers, Ranters, &c. *

What is aimed at, but *cædamus hæredem et nostra erit hæreditas.* †

It is better for me to suffer the greatest misery, than to suffer all power to be devolved into a Parliament. We should take a sword that God never put into our hands.

We are a ship without hull, mast, or anchor, if we pass by this House, if his Highness will not transact. That business of money sticks most with me. It has almost run me aground.

The Petition and Advice settles it not; but the excise and customs are settled to perpetuity. ‡ It only says you are willing to settle; that settles it not. There was a witty fulmination from the corner, but no proof. (I think he means Sir Henry Vane.)

It is said we fought for this negative voice. I dare be bold say it, upon my life and soul it was so far from being fought for, that it was not so much as spoken of in this House till 42. §

They pray the King's consent for a guard; he denied.

In 1653, "The Commissioners," says Mr. Walker, "began to sit at Whitehall, and the ordinance for their appointment being recognized in 1656, they continued their sessions until the beginning of 1659, as appears by some of their books in the custody of the Archbishop's Secretary at Lambeth." *Sufferings of the Clergy*, (1714,) p. 173.

Dr. Bates says of the Protector Oliver: "Conventum indixit ex laicis et clericis, tum Presbyterianis, tum Independentibus, necnon Anabaptistis; penès quos erat de promotionibus et beneficiis ecclesiasticis cessione, privatione, aut morte vacantibus, competitores sistere, ad examen vocare. Hisce licitum erat, aut admittere ad curam animarum, aut arcere, nullo prorsus Ordinationis habito respectu." *Elenchus*, (1676,) p. 295. (He called a convention of laity and clergy, Presbyterians, Independents, and Anabaptists, who were authorized to summon before them, and examine the candidates for benefices, and other ecclesiastical promotions, vacated by deprivation, or death. They had power to admit to a cure of souls, or to reject; without any respect to an applicant's ordination.)

* See vol. i. p. 49. † *Mark* xii. 7. ‡ See *supra*, p. 72.

§ See vol. ii. pp. 435, 451, *note* §; iii. 319, *note* †.

Then they did it by ordinance without him, and would not have his consent. There went declarations on both sides. The sword was never taken up against the negative voice. It was never denied to the King.

Put the question with the salvo, for the rights of the old Lords.

Leave was asked for Sir Thomas Willis, Colonel Purefoy, and Sir Walter Earle, being sick, to go out, and they had leave accordingly. Leave given to Mr. Knightley to go out.

Mr. Sadler moved to the business, but had rather adjourn till to-morrow, and went to speak abundance of matter almost an hour, and would have spoken yet, if he had not been taken down by

Sir Ashley Cooper and others, who prayed to shorten the debate, or else to adjourn.

Leave was given to Colonel Gibbons to go out.

It was moved to adjourn till Wednesday morning, and the question being put,

Mr. Speaker declared for the *Yeas*.

Mr. Hampden declared for the *Noes*.

The *Yeas* went out; divers members sat that were for adjourning.

Yeas 185. Lord Lambert and Sir William Doyle, Tellers.

Noes 188. Mr. Bulkeley and Mr. Hampden, Tellers.

So it passed in the negative.

Mr. Knightley. I was going home, with your leave, and one met me and said: "If this vote pass in the negative, you shall be dissolved to-morrow." I was going through Scotland Yard,* and the soldiers stayed me. I told them, I was a Parliament-man, and I perceive they look already with a strange face upon us. Their officer expostulated the business with me. I argued with them my privilege, and they were very

* "About the mid-way, between the Statue at Charing-cross, and Whitehall, near the Thames, so called (says *Stow*) for that here were stately buildings, for the King, prince, and nobility of Scotland." *View of London*, (1708,) i. 74.

earnest on me. The officer's name was one Shafto. They begin to look with an ill face upon us. *Eo nomine*, that I was a Parliament-man, made them expostulate it the more.

Sir Henry Vane. I move to adjourn. For that cause, that it seems one member was stopped in going out, we may see if soldiers do stop us all to-morrow, as we come in.

Mr. Young. If you will put the question for repealing the Act for abolishing the Lords, or for restoring them, you shall have my heart and vote to it; but I am not for this insignificant addition. It is but to trepan men. I think it is as good a word, for aught I know, as transact.

Sir Arthur Haslerigge. I have not spoken to the matter yet. *Altum risum.* I confess men have reason to laugh, when I say I have not spoken to the matter; for I never speak to the matter.

Mr. Bampfield. I move a few words of reconciliation to be added. When the Bill is passed the House, this House will transact, &c.; and then you may, in this Bill, provide for all the liberties of the people.

Mr. Jenkinson. I second this motion. There is weight in it. This is like going to sound with your weapons in your hands.

Mr. Neville. If you will have any addition, I desire that this may be it, which was debated two days; that you will transact, &c., when you have bounded and approved them.

This crowding in of several perplexed additions made the House weary of the debate, and they adjourned at one, till Tuesday at one.

Tuesday, at 1, *March* 8, 1658-9.

Mr. Speaker came not till two, and took the chair then.*

Sir Arthur Haslerigge. I move for the addition, for limiting and bounding them first.

* "The House resumed, and proceeded in the debate, that this House will transact with the persons now sitting in the other House, as an House of Parliament." *Journals.*

Colonel Briscoe moved to bound and approve them first.

Mr. Reynolds. If you save the old Lords' rights, save them to the purpose. They have been faithful, and it is not just to lay them aside. I have seen them at the head of their regiments.

Mr. Annesley. I am glad to hear those persons that were for a Commonwealth, move to save this right. It concerns me now to speak to the restitution of the old Peers.

This addition coming so clearly before you, I hope it will be known, that this House does not intend to trepan, or shoeing-horn, any body, as some say.* I would have you put the question, to restore the old Peers to their rights, that it may be known what you intend for them.

Mr. Knightley. If you do restore the old Peers, there will be no danger of the person beyond the dikes† coming in. You have recognized one that will keep him out. I would have you put the question, that, (as was moved by Mr. Bayles,‡) if one fail, then you may be sure of another House to transact with.

Sir Arthur Haslerigge. I was bred a Puritan, and am for public liberty. Serjeant Maynard told§ you, those that were against this were for no settlement. I shall get little by unsettlement. I am no leveller.‖ If troubles should come, I should lose as much as another man. I desire to deal plainly with you, and shall ever do, while I live, in this House.¶

I am not against a single person, but against that monster prerogative, that we groan under to this day. I am against anarchy and tyranny, any way propounded. To secure against this, my heart and soul shall go along with it. Those persons that now sit, indeed did choose themselves. They chose the single person, and he chose them.

* Sir A. A. Cooper, *supra*, p. 52.

† Charles Stuart now "returned to Brussels," after his fruitless journey to the Pyrennees. See vol. iii. p. 294, *note*; Lord Clarendon's *History*, p. 689.

‡ *Supra*, p. 9. § *Ibid.* p. 74. ‖ See vol. i. p. 49, *note* ‡.

¶ Alluding, probably, to his right of sitting in the Other House.

Consider the persons what they are. They have taken away your purse with them, to maintain their forces. They took tonnage and poundage for ever, which is but to destroy the people, and to reduce them to the condition of France.* Did ever the great Lords do so, when they went hence. They left the purse always here.

The King had not, by tonnage and poundage, and all that he had, above 600,000*l.*† Never king had tonnage and poundage but for life.

The people never in seven years parted with above two subsidies, which is but seven score thousand pounds. If the King had had 1,300,000*l.* he had had no need of money to feed his hungry flies the courtiers.

I from my soul honour the old Lords. I exceedingly honour Lord Northumberland.‡ There were Say,§ Wharton,‖ Roberts, Manchester,¶ and I know not how many with us. I was in the north, and remember them not. I had nought to do with Fride's purge.**

I had rather, with all my soul, those noble Lords were in, to all intents and purposes, than those persons that have two swords ;†† two strings to their bows; persons that have torn Parliaments out, and pulled your Speaker out of the chair.‡‡

Those sit upon the writ that was in the King's time.§§ I have it here.‖‖‖

They cried read it ;—said he, I thought so. It is an easy thing to put me out.

This is a plain cutting our purses, and next cutting our

* See *supra*, vol. iii. p. 569, *ad fin.* † See vol. iii. p. 286, *note* *.

‡ He was "High Admiral," at the commencement of the war, and "staid with the Parliament." According to *Ludlow*, "the Earl of Northumberland," in 1660, "was heard to say, that though he had no part in the death of the King, he was against questioning those who had been concerned in that affair; that the example might be more useful and profitable to future kings, by deterring them from such exorbitances." *Memoirs*, i. 41, iii. 10.

§ See vol. iii. p. 536, *note.*

‖ See vol. i. p. 367, *note* *.

¶ See vol. iii. p. 516, *note* §.

** See vol. ii. p. 85, *note* †.

†† See vol. iii. p. 557.

‡‡ See vol. iii. p. 209.

§§ See vol. ii. p. 410, *note.*

‖‖‖ See *supra*, p. 22.

throats. The King laboured to bring in excise, and it was distasted.

If this should pass, we shall next vote canvass breeches and wooden shoes* for the free people of England. I think in my soul so.

* "The base and low estate of the French paisant," to which this speaker alludes, has been described by contemporary near observers. "For their apparel," says Dr. Heylin, "it is well if they can allow themselves canvass, or an outside of that nature. As for cloath, it is above their purse equally, and their ambition. If they can aspire unto fustian, they are as happy as their wishes; and he that is so arrayed, will not spare to aim at the best place in the parish, even unto that of Churchwarden. When they go to plow, or to the church, they have shoes and stockings. At other times they make bold with nature, and wear their skins." See "France painted to the life," (1656,) p. 231. See also, vol. iii. pp. 142, 143 *note*.

A traveller to Paris, in 1691, describes "the rattling of the wooden shoes about the streets;" in connexion with "the mean and dejected aspect of the inhabitants," and "their contemptible and sordid way of living in their houses." Having made these discoveries at Calais, he thus proceeds to describe, and probably to exaggerate, under the influence of Protestant and Antigallican prejudices.

"From hence, travelling to Paris, there was opportunity enough to observe what a prodigious state of poverty the ambition and absoluteness of a tyrant can reduce an opulent and fertile country to. There were visible all the marks and signs of a growing misfortune, all the dismal indications of an overwhelming calamity. The fields were uncultivated, the villages unpeopled, the houses dropping to decay; the inhabitants that remained, peeped out at doors and crevices, as if the King's booted apostles had been coming to plant the faith among them, by plundering the little that was left. The country looked no more like what it was represented to be in Louis XIII's time, than an apple is like an oyster." See "Six Weeks' Observations on the Present state of the Court and Country of France, (1691,) pp. 5, 8, 9." See also *Monthly Repository*, (1822,) xvii. 201.

Such was the condition of the French peasantry. Thus, at least, it continued to be described long after this period, even till Burke and his humble imitators, with an obvious design, invited "the free people of England," to look back upon the royal *regime* of France, almost "with a lover's eye," and even to lament, (as I once heard Burke, in the House of Commons,) the destruction of the Bastille, that "abode of broken hearts," as an unwarranted demolition of "the King's Castle."

It was a different spirit which dictated the "Verses written at Mont-

There was a petition of one Lady Hewet, for the life of

auban in France, 1750, by the Revd. Mr. Joseph Warton." The poet exclaims: (See *Dodsley,*) (1755,) iv. 207.

"Tarn, how delightful wind thy willow'd waves,
But ah! they fructify a land of slaves!
In vain, thy bare-foot, sunburnt peasants hide,
With luscious grapes, yon hill's romantic side;
No cups nectareous shall their toils repay,
The priest's, the soldier's, and the fermier's prey."

The Earl of Cork and Orrery, writing from Lyons, October 2, 1754, to his friend Mr. Duncombe, says:—"In France, the poverty of the people and the fruitfulness of the soil are circumstances that excite wonder and compassion. All the great cities and the districts belonging to them, at once proclaim the power and the shame of this arbitrary Government. The French nobles are clad in purple; the French peasants have scarcely sackcloth to cover them. There is no medium between laced clothes and rags. The equipages and number of horses seem to answer the wealth of the Indies. The persons who make those equipages, and who provide food for those horses, have not bread to eat." *Letters,* (1774,) pp. 9, 10.

It is scarcely possible for an Englishman to read this passage, and not to recollect a country, under a Government vaunted as "the envy of surrounding nations, and the wonder of the world," where splendid "equipages" and sordid "rags" too often appear in contrast, and where the abundant "food" of pampered horses is far more certain than the scanty "bread" of toiling peasants.

A later tourist, Sir Neale Wraxall, writing from Blois, May 13, 1776, says: "No language can describe the beauty of the Loire, or the fertility of the country through which it flows. The extreme poverty and misery of the peasants, in the midst of a delicious paradise, producing in the greatest abundance all the necessaries and elegancies of life, impresses me with pity, wonder, and indignation. I see much magnificence, but still more distress: one princely château, surrounded with a thousand wretched hamlets; the most studied and enervate luxury among the higher orders of society, contrasted with beggary and nakedness among the people." See "A Tour through the Western, Southern, and Interior Provinces of France," (1784,) pp. 176, 177.

Burke, in his *Reflections,* represents the Government of *Louis* XVI. as constantly tending to *reform.* He had reigned more than ten years when the tourist wrote these remarks. What, then, must have been the *unreformed* government of the Bourbons?

But, *audi alteram partem.* That justly esteemed classical tourist, the late Mr. Eustace, appears never to have suspected that the French

her husband.* She appealed to all the lawyers and judges, and told them, if they said he ought to plead by the law, he would, and, for not pleading, he lost his life. They knew not what to do with this petition. The Judges refused to act upon it; but twenty-four that now sit in the other House sat.

They sit upon the old writ,† that one string,‡ and be Peers to all intents and purposes.

Oh, what would I give to be reduced to where we were before! We are in a worse condition than if our enemies had prevailed. In my heart, I think we had not had 1,300,000*l.* per annum§ for ever and ever upon us.

Let us not mingle questions with subtilty, to deceive one another now; to make it a gilded pill.‖ This salvo will not do it; God has not put the power out of your hands. You may do it if you please.

I do wish with all my soul we might have those ancient

peasant, under the feudal domination of the *noblesse*, might see with painful dissatisfaction,

"—— the contiguous mansion rear its head,
To scorn the meanness of his humble shed."

On the contrary, while describing, without saying where he discovered it, "the hereditary benevolence of the Bourbons," as having descended to Louis XVIII. he thus complains:—

"The chateaus have, in many places, shared the fate of their contemporary abbeys, and like them have been destroyed, or left to moulder in gradual decay. The villages, formerly enlivened by the presence of their Lords, whether laymen or monks, and enriched by their expenditure, now pine in want and silence." *Letter from Paris*, (1814,) pp. 7, 91.

From several passages in this *Letter*, the accomplished tourist appears occasionally to have fallen into error. Thus, like a zealous son of the Roman Church, he persuades himself that, "if a Frenchman be a Christian, he must naturally be a Catholic;" among other reasons, "because the Catholic religion combines its influence with the glory of the French arms, the fame of French heroes." *Ibid.* p. 76.

Had Mr. Eustace forgotten the religion professed by the first Condé and by Marshal Saxe; or that Henry IV. and Turenne, though dying in the bosom of the Catholic Church, had acquired all their military renown, while professed Protestants?

* See *infra*. † See *supra*, p. 78. ‡ *Ibid.*
§ *Ibid.* ‖ *Ibid.* p. 59.

Lords, such as depend upon themselves, so that we might be secured against the old line. In former times, court Lords and country Lords differed. Court Lords were always biassed. Never was such a sad condition, as to have fought ourselves into this sad slavery.

Pass but this vote, and all is gone. I tell you my heart clearly; let us deal ingenuously and plainly with one another.

Put the question without any addition. I will vote for the Peers with all my heart.

Mr. Trenchard. I have been forty years a Parliament-man, and never saw us in a worse condition. You are, by this vote, giving away all. It would grieve a man's heart to hear it. We shall be but as a Grand Jury. If you now obtain not some good for the Commons, you can never do it.

Unless you repeal that Act about the money, the 1,300,000*l.* now, you will never be able to do it. I would have some previous vote to put your money into the condition that it was before.

I never knew the House of Commons unwilling to supply emergencies. I would have them enjoy all the rights of Lords, so we might but enjoy all our rights. Otherwise I cannot consent to this question.

Captain Jones. The old Lords have most seasonably, successfully, and faithfully served you. It appears to me that it is most reasonable their rights should be restored. You are now upon peace. I wish it may be such a peace as the Long Parliament aimed at, a well-grounded peace. Righteousness is the effect of peace. The meanness of governors makes the government mean. Every tendency to that end of righteousness and peace ought not to be obstructed. I find this to be the great block in your way. It is a great sense, to do right to them and to the nation.

Therefore, I move that the question be put, that these ancient Lords that have not forfeited their rights may be restored to sit in that other House.

Mr. Gewen. If you will put the question to restore them, without delusion, I shall not be against it. If you intend

good for them, or but words, to bid men warm them and eat, and give them nothing, let us show it.

Put it clearly and I will give my affirmative.

Captain Baynes. This vote or saving will be out of doors, when you pass the vote to transact. The properest question is, to limit and bound them.

Admit you provide all in one Bill that has been moved, your sending up that Bill is an owning them, and they may reject your Bill or your addition. If this pass in the negative, then you may bound them.

If you please to put whether you will have any addition to this question.

Mr. Speaker repeated the debate, and offered an independent question, for saving the rights of the old Peers. The others were illusory additions. He offered the addition in writing.

Mr. Swinfen stood up to speak to the addition, but was taken down.

Lord Lambert and others said he had spoken the same things to this debate.

Mr. Swinfen. To my remembrance, I have not spoken to this question.

It is said, the additions are illusory, as to the saving. I doubt the other addition. This latter question is delusory.

A people there was, that offered to help another people to build a building, seeing they could not pull down. I doubt, those that move these additions, desire to build with us, seeing they cannot destroy. This is but putting of mists before the question. Put the first question, *i. e.* saving the rights of the old Peers; or put, if it shall be put.

Sir Anthony Ashley Cooper. It is impossible to save the rights of others, if you own these upon that foot that they are. You cannot alter one bit of it without their consent. Their number is to be but seventy. If sixty already, how can that clause of yours be practised or put in execution? True, this may be mended, but when you have once owned them, you must stay their leisure.

If these would give their places to old Lords, there is one

negative upon you still; so you put two bars before their rights. To bring in the old Lords upon the Petition and Advice, upon that foot, I should for ever abhor them and myself for doing it. Upon this new foot, you cannot restore them; though I honour them as much as any man, and wish they were restored, but rather never see a Lord, than have them on such a foot. I would have the question put singly, that we may not be surprised in our votes.

Serjeant Maynard. That noble knight spoke the very same yesterday, and concluded so.

Lord Lambert. I think the rights and liberties so long and much contended for, may with as much safety be placed in these old Peers as in these new ones. I would have you put the question without any addition.

Mr. Boscawen. I am against all additions. It is the greatest affront you can put upon the old Lords. This is but making them the horse for the new Lords to get into the saddle. The addition is but a chimera, a fancy to draw poor men by the way. They will not be satisfied at all by it. This is but fallacy. They call themselves Lords; much good may it do them. Let us not call them Lords.

Serjeant Dendy. If this question had been put yesterday, I should have given my affirmative, but I have received such light since, that I cannot in conscience give my affirmative. I am against both the additions and the question. I would have you apply to his Highness, and so far transact with the other, that if they understand the obstructions, they will come down to you. One objection which this House cannot answer, and that is the 1,300,000*l. per annum.* Unless that were mended, I could not give my affirmative.

Mr. Disbrowe. I doubt we are pulling down those foundations that God has provided for us; I dread the consequence: It might, I am confident, be for our great good and settlement to build upon this foundation.

I think every man offers what is in his heart to say. I have most reason to suspect my own heart rather than another's.

There is no delusion * in it to bring those Lords that have not forfeited, to have their rights to sit among those Lords or gentlemen,—what you will call them, that sit there.†

That about the money is nought but a promise of a Parliament then in being, for and towards the want of Army and Navy (1,000,000*l. per annum* will not do it now.) It is not absolutely settled. When you think fit to retrench the Army and Navy, no doubt this House shall do rationally in that, the reason ceasing. The charge may be taken away. The reason of the promise ceasing, the promise ceases.

Again, those laws will stand, whether you transact or not. Goodness, not greatness, is your surest foundation. As to the persons, why may you not expect as much from them as from any other? You never experienced it yet, how useful they will be for you.

If the Lord would give us a settlement on this foundation, I doubt not but our civil and religious liberties may be as well hedged and cared for as ever they were.

I would have the addition first put as to the saving of the rights of the old Peers, being legally summoned.

Sir Walter Earle. That gentleman's advice is to deal plainly. I would deal so. The addition is not plainly. The best way is to address to his Highness, either by remonstrance or by your Speaker, and lay down these obstructions. Take in your money and the constitution, and represent all plainly.

Mr. Hewley. I know no way to do this but by a Bill, and then you must take in the three estates. If you take in the old Lords, I question whether they will sit upon that foundation. I would have the question put nakedly. I will give my affirmative; but first I will give my reasons for it.

I acknowledge myself to sit on that foundation, else we are no Parliament. We are under an oath.

Colonel White took him down; and said, to this debate he spoke the same things not long since.

* See *supra*, p. 82. *ad fin.* 83. † See *supra*, p. 84.

Colonel Morley agreed, and said he spoke it before, as we shall all do. *Nil dictum, quod non dictum prius.* If you please put the question.

Sir Thomas Wroth. Apply to his Highness by remonstrance, as was moved.

Captain Baynes took him down.

Mr. Speaker. I am not able to stand.

Sir William Wheeler. I move that before the question be put, all members be called out of the Chamber.

The single question * was put in the affirmative.

Mr. Trevor interrupted, and moved the addition to be first put. And the addition being put for saving the rights of the ancient Peers,†

Mr. Speaker declared for the *Noes.*

Mr. Hungerford and *Colonel Morley* moved, seeing they were so fond of the question, to put it. Every body is able to see the fallacy of it.

A great debate arose whether the *Yeas or Noes* should go out.

Mr. Speaker. I said *Yeas*, because it was an addition to a question, and not a natural question.

The *Noes* went out.

Noes, 184. Sir Arthur Haslerigge, and Sir Horatio Townsend, Tellers.

Yeas, 203. Sir John Coppleston and Colonel Cromwell, Tellers.

So it was resolved, that the question for this addition to the question be now put.

The main question was put.

Mr. Speaker declared for the *Noes.*

The *Yeas* went out.

Noes, 188. Mr. John Herbert, and Mr. Annesly, Tellers.

Yeas, 195. Colonel Birch and Mr. Redding, Tellers.

So it was resolved that these words; *viz.* "and that it is not

* See *supra*, p. 76, *note.* † "For which see *infra*," MS.

hereby intended to exclude such Peers as have been faithful to the Parliament from their privilege of being duly summoned to be members of that House," be part of the question.

Sir Arthur Haslerigge. Divers gentlemen are withdrawn that have been at your nine days' debate. I desire they may be called down to give their negative or affirmative, which is to the orders of the House.

Mr. Weaver seconded it.

Colonel Allured. The Scotch and Irish members sit upon no foot of law.

Mr. Howe. I second it. Take notice we lay our claim to it.*

Sir Arthur Haslerigge. This concerns life and death. It is time to make our claims.

Sir Richard Temple. I move that Scotch and Irish members withdraw before you put this question.

Mr. Hungerford. I second that motion.

Mr. Attorney-general. No question ought to be put but the main question. No new debate ought to be admitted; but I see what this savours of.

Colonel Mildmay. I move that the Scotch and Irish members be dismissed, till they sit upon a foot of law. It is the most serious business that ever was; our lives and liberties. The cry of all people without doors is upon us. We know not whether they understand our debate. If they be Scotch or Irish, we know not that they understand any thing but *yea* or *no*. We have heard none of them speak. It is prudence in some not to speak.

Colonel Morley. I move to put the addition for bounding and approving these members.

Mr. Trenchard. By the same rule that you called down your members, may you command those persons to withdraw that do not sit upon a foot of law. They have no right.

* To their exclusion.

Sir Arthur Haslerigge and *Colonel White.* Adjourn till to-morrow morning, and then take up this debate.

Colonel Birch. By the rules of Parliament, you cannot wave the main question, nor is it ingenuity to do it.

Colonel Fielder. No other debate can properly come on foot, but what is additional to the question.

Sir Thomas Wroth. I move to adjourn. This debate being stirred, it deserves your consideration.

Mr. Neville. The debate is properly before you, and you must determine. It is not fit to leave so many worthy members out, that may help you in it.

Mr. Trevor moved against this debate.

Colonel Morley moved for the addition of approving, &c. and that was as proper an addition as any that could be offered.

Thus was it struggled till nine o'clock; and the bone thrown in, touching the Scotch and Irish members, prevailed so far, that it obstructed the question, and though it was strongly laboured to bring it, yet the House rose without a question.*

* "Lord Fauconberg to Lord H. Cromwell, Lord Lieutenant of Ireland. March 8, 1658-9. My Lord. The owning the Lords' House, as now constituted, has long hung doubtfully; but it is, at last, brought to some ripenesse; so that most beleeve this night's debate will make us capable of a regular settlement, or tell us wee must not hope it. I intended your Lordship some more particulars, but am surprised with a sudden indisposition; and Count Broghill has assured me your Lordship shall have all from his pen, which will bee as empty as matters will bear." See "Thurloe State Papers," (1742,) vii. 628.

"1658. March 8. Dr. Thomas Clarges to H. Cromwell, Lord Lieutenant:—

"I am very doubtfull whether I shall be able this evening to tell your Excellency wee have decided a great question we have been in debate of ever since Wednesday last, which was, whether this House shall transact with the other House as a House of Parliament. Yesterday, wee sat from eight in the morning, till one this morning; and this day we have bin together since two in the afternoone, and it is now past eight at night; and all that is done, in order to a resolution in this great affaire, is the carrieing an addition to the question in the affirmative, viz. saving to such of the old Lords their rights, as shall be duly summoned to that House.

It was moved to agree what should be matter of debate to-morrow; but it was ruled that no question could be put till

"And now, as the maine question is putting, the House is moved to command the Scotch and Irish members to withdraw, which has now engaged them in a sharp debate, and given me thereby opportunity to doe this duty to your Excellency. From Copenhagen, our agent writes, that the Swedes were repulsed at a general assault, and they had 600 of their men killed, and 800 wounded; and amongst others, Colonel Vavasor is killed.

"Just as I was sealing my letter, by the indisposition of the Speaker, the debate is adjourned till to-morrow, at ten in the morning; and before the adjournment, the debate about Scotch and Irish members was declined." *Ibid.* p. 630.

"The House," says Mr. Bethel, "was again put in mind of their duty to the people, and urged to fall upon bounding of the power of the Chief Magistrate: but the courtiers, commanding all by the strength of their members, waved the Chief Magistrate, and fell upon the constitution of the other House, in which some days were spent in disputes betwixt the new and old Royalists, the Commonwealth-men remaining silent, to see what the strength of the others' brains would produce.

"The first were for the new created Lords, with a mixture of the old, upon such limitations as they might not overtop the new. The other were for the old Lords, with a mixture of the new, and with the full privileges of the ancient House of Peers.

"After it appeared that they could not make any thing of the debate, neither of the parties daring to trust the other, the third party fell in, and showed that where the cause is taken away the effect must cease; and that, as the House of Lords had anciently a natural right to a superior jurisdiction, in that dominion will naturally follow propriety, and their propriety was then three parts of four, if not more, of the whole nation; so it is now more natural for the Commons to have that superiority, their proportion of propriety being now near ninety parts of a hundred: that if they would have another House, it might be so bounded, as might suit with the people's interest.

"But, notwithstanding many excellent arguments, incomparably pressed by persons of great virtue and abilities, the servile and mercenary court-party would not be prevailed with to bound and approve the members sitting in the other House, before they put it to the vote for transacting with them; which made the country-party, immediately as the question was coming on, to except against the constitution of the House, as having sixty persons in it, sent by Scotland and Ireland, which had no right nor title to sit; which they brought in debate to gain time, as being afraid to adventure the question for transacting with

that of the Scotch and Irish members was determined. Again the Speaker was ready to die in the chair. He could scarce speak.

Wednesday, March 9, 1658-9.

The House met, at almost twelve.

Mr. Speaker took the chair.

Mr. Scot stood up to speak to the debate about the Scotch and Irish members, but was taken down.

Mr. Trevor, to the orders of the House. I move that for your safety, you would, till you recover your health, for a week's time appoint another in your place. I move for Sir Lislebone Long.

It was moved that it was never used to appoint another Speaker, while another was in the chair.

Mr. Fowell said that in the case of Sir Thomas Widdrington, another was chosen while he was in the chair; but that case differed. It was upon his desire.*

Mr. Speaker. I desire to be discharged. I am sorry I should retard your business one half hour.†

the other House, without first bounding and approving the members of that House.

"With this new started exception, (which afterwards held fourteen days' debate,) the House rise." *Brief Narrative,* pp. 344, 345, 347.

* See vol. i. p. 369.

† "Mr. Speaker, being in the chair, and very much indisposed in his health, acquainted the House, that he came to the chair with a great desire to serve the House; but their sittings had been so extraordinary, and their business such, and so requiring it, that he was utterly disabled to serve them as he would, for the present. That it was a great grief of mind to him to retard the public business, though but for one half hour, or more, as it had been this morning. That he found himself grow weaker and weaker; and therefore humbly prayed he might be totally discharged; or otherwise, that he might have so much respite, at least, granted to him, as that, by the blessing of God, he might recover some better measure of health, and be enabled to return again to their service." *Journals.*

Sir Arthur Haslerigge. I move that by no means he be discharged; but only for a time, to recover his health.

It was always the care of this House to choose one that was no way influenced by the Court. I shall name a fit person (though not of the Long Robe) Mr. Knightley.

Mr. Knightley. I am of the wrong Robe; this is more like a weed than a garment that I have. I have worn a gown at the University and the Inns of Court, but never had the honour.*

I make it my humble motion that you would not put that burthen upon one of so short a robe and so short a measure. He that made that chair made it with strong arms, knowing the weight of it. I have both infirmity of mind and body to make me incapable.

Mr. Speaker, by leave of the House, left the chair, and went home to his own House,† very ill.

Sir Anthony Ashley Cooper. I move that, till mace come in, none can speak.

Others moved, that last Parliament, and this Parliament, the House did choose their Speaker before the mace was on the table.

Others again said, "You are a House without a Speaker."

Sir Arthur Haslerigge moved again for Mr. Knightley.

Colonel Fitz James put the question for Sir Lislebone Long, but was denied.

Sir Lislebone Long. I know no incapacity upon me to serve you as a member, but many incapacities to serve you in that chair. I am beholden to Sir Arthur Haslerigge, that told me of my incapacity.

The person propounded has much more experience than I; and if he decline it, there are many fitter than I.

Sir Anthony Irby moved for Sir Lislebone Long.

Sir Anthony Ashley Cooper. As Sir Lislebone Long was

* Of being a barrister.

† "The Serjeant attended him with the mace, out of the House, to his coach, and afterwards brought the mace back, and placed it below, under the table." *Journals.*

first propounded, he must be first put. Therefore I would have the question put for his supplying the chair for a week.

Mr. Bulkeley. Seeing you are agreed of the person, put the time indefinite; viz. till the Speaker shall be in a condition to serve you there again.

Mr. Scot moved against it.

Sir Arthur Haslerigge. I was against Sir Lislebone Long's coming to the chair; but we must look to him as well as we can.

No member can put any question other than for taking the chair, and the person pitched upon ought to obey the sense of the House, and of himself, without the ceremony of leading, to go to the chair.

Sir Walter Earle. The ceremony of leading is not Parliamentary.

Sir Lislebone Long, in obedience thereunto, was coming along to the chair, but Mr. St. John and Mr. Gerrard came up and led him, and he took the chair at one.

Sir Arthur Haslerigge moved to enter this order, viz:—

Ordered, that in respect of Mr. Speaker's indisposition of body, and at his earnest request, Sir Lislebone Long be desired to take the chair in his absence, occasioned by his said indisposition of health, until he shall recover his health, and no longer.*

It was moved to adjourn for an hour.

Mr. Scot. I move to adjourn till to-morrow, else to hear me speak to the question upon which the House was in debate before, about the Scotch and Irish members. I hope those gentlemen will be sensible of their inconveniency by intruding into our legislature.

* "Mr. Chute, their worthy and impartial Speaker, finding himself indisposed, and tired out with long debates and late sitting, desired to be dismissed the service; but the House having a great value for him, would not accept of his resignation, but dispensed with his attendance until he should recover his health, by withdrawing into the country, or otherwise, as he should think it, and to supply his place, in the mean time, Mr. Longe, Recorder of London, was made choice of." *Brief Narrative*, pp. 347, 348.

In the Long Parliament all monopolizers were turned out.* We are not come to rags and papers, but we are already come to stones, sand, and ballast.†

The claim of this question was made the first day,‡ and has been often claimed upon several occasions.

The question is, if it be not now seasonable to settle this. I am of opinion that Scotland and Ireland should be repre-

* "Sir John Culpeper, of Kent, a person of great reputation," says *Rushworth*, "and who afterwards, during the war, was with the king at Oxford, said, in the Parliament (1640), that those monopolists and projectors were a nest of wasps, or swarm of vermin, and like the frogs of Egypt, had got possession of our dwellings, scarce a room free from them.

"They sup in our cup (*wine*), dip in our dish (*licence to dress in taverns*), sit by our fire (*coals*), are in the dye-vat, wash-bowl (*soap*), and powdering-tub (*salt*), and share with the butler in his box (*cards and dice*). They have marked and sealed us from head to foot, and will not bate us a pin. (*Beavers, felts, bonelace, &c. pins.*) We may not buy our own clothes without their brokage." *Hist. Coll.* (1706), iii. 40.

"Nov. 9. 1640. The House resolved that all projectors and unlawful monopolists, and such as lately had a share in, or now receive benefit from any project or monopoly, or have procured any warrant to molest such as refuse to comply with them, be disabled by order of the House to sit therein. It was ordered that Mr. Speaker should issue out writs to choose new members in their room; and that if any member knew of such, he should discover them." *Ibid.* pp. 267, 268.

"The Commons," says Catharine Macaulay, "having secured the two notorious offenders, Strafford and Laud, mortified the Church, and put the ecclesiastical affairs of the kingdom in some train of reformation: they took into consideration the general heads of their civil grievances. They cancelled all the patents which had been granted for monopolies, as contrary to express statutes; declared every one concerned in them delinquents; and expelled all their members who were monopolists or projectors." *History* (1769), ii. 389.

"Jan. 21. 1640-1. The Commons excluded four of their members, Mr. William Sandys, Sir John Jacob, Mr. Thomas Webb, and Mr. Edmund Wyndham, for being monopolists, according to a former order of that House." *Parl. Hist.* (1763), ix. 92.

† See *infra*. Among the "Licences," which "the King" recalled by a "Proclamation at York, April 9, 1639," is one for "gathering of rags." *Rushworth*, iii. 39, 40.

‡ See vol. iii. pp. 28, 29.

sented, nor do I except against the distribution. I would have Jamaica* represented, and all the parts of England equally represented, better than now.† We are little beholden to the last Parliament, to leave us to such an unequal election and distribution.

It is said, it is not ingenuity now to question it. If I find not ingenuity, I am not so obliged.

First you would have a single person bounded; and then let go the bounds.‡ The like of another House; thus gaining from bough to bough, till they be out of the distance of our recovery.

We are not to compliment now, when the life and liberty of the nation is at stake. Paul thought, when his life lay at stake, he might lawfully make a division in the council by saying he was a Pharisee.§

Salus populi is above all rules. I may take hold of that to save a sinking perishing nation.

We all say the Protector is Chief Magistrate *in exercitio*, possession, and occupancy. It is not owned that he is in by the Petition and Advice. It appears not so to you. You have the best title, being in possession, and you may give him the best title that ever King of England had.

Because there is an intimation in the Petition and Advice to summon members for Scotland and Ireland, therefore it is said, they must be called to sit here. By the same rule, there was an intimation to have a House of Lords, therefore a Lords' House was called. Therefore it is a good Lords' House, and therefore those gentlemen are good members, by the same rule.

I cannot understand that the law should be by any such intendment. Again:—I would have none to serve either for

* See *ibid.* p. 102, *note* *. † See *ibid*, p. 74, *note.*

‡ Mr. Bethel, contrasting the "most open" with the "more prudent," says, the latter "waved bounding of the Chief Magistrate, under pretence of first settling the constitution of the Government." *Brief Narrative*, p. 344.

§ *Acts*, xxiii. 6.

England, Scotland, or Ireland, but natives; not but that they can speak the language. I say not otherwise.

My motion therefore is, that those gentlemen may withdraw till this question about the other House be passed; and then I shall as freely as any man give my vote to declare their right of sitting with us.*

Mr. Drake. That motion is disorderly, incongruous, and disingenuous, that the persons who have attended this debate nine days should withdraw; after you had called all out of the chambers.

It is proceeding without an example, to fall into new matter when a question is half put.

It is irregular. While you are debating about members of another House, you fall into debate who are members of your own House.

Sir Arthur Haslerigge. Nought is so proper in the midst of any debate. I appeal to you, now you are in the chair. If I see but one man in this House that ought not to sit, it is a fundamental order to examine that person's fitness before you do any thing.

I was, in the interval of a Parliament, called up to another House. I durst not go without your consent, nor will I go out from hence unless you beat me out; I mean, command me out.

Consider the case of King † and Mr. Sadler.‡ This is the same case. If this be not to the order of the House, then the House is without order, which cannot be. Is it fit that those that have no right nor foundation should *legify* amongst us? As was moved before, by the same rule that sixty are brought in now, three hundred may be brought in next time.

Colonel Fielder took him down, but it was not admitted; for he did speak to the orders of the House, and he began with it, and would conclude to the orders of the House. He cited the case of the five members.§

Mr. Trevor. It is a constant order of the House, that no

* See vol. iii. p. 71, *note* †.

† See *ibid.* pp. 76, 77.

‡ See *ibid.* pp. 560, 580.

§ See *ibid.* pp. 92, 93.

new matter should come in, in the midst of a debate. It is utterly unseasonably moved. I beseech you, go on to the question that is before you.

Sir Richard Temple. Last night I gave you my reason why this was not irregular, by a precedent frequently exercised here.* If any gentleman come in between affirmative and negative, any gentleman may move that he withdraw. This is as to a rightful member; *a fortiori*, he that is no member, or his being a member disputable. Any thing offered you concerning your privilege, is never unseasonable.

There are divers gentlemen that sit here that have no right to sit. Formerly it was waved, because we were unanimous in our debate, and but a few of those members yet come over.† The best authority they have is but by implication. If the affirmative were put, you might, even before the negative were put, fall into debate of your privilege, it being a fundamental order. Besides, another question, touching your being called to the chair, has intervened, so that any man is free to make any new motion.

Mr. Knightly. *Vigilantibus, non dormientibus, subveniunt leges.* The addition of one destroys as well as the substraction of one. Add one to 11, and it destroys the number, as well as to make them 19.

This debate about the Lords has been a great rock, and will be, till we come to a constitution.

These members come here without any semblance of a law. There is no colour of law for their distribution.

The Chief Magistrate may create a borough.

There are six boroughs in Northamptonshire that have no right to send members: *viz.* Wellingborough, Kettering, &c. I would have these persons, to have a right to sit here, or else to have Parliaments of their own. I will reflect upon none. Many persons that sit here for those places are very worthy and have done great service. I shall deliver no opinion in this case, but the debate is proper before you.

* See *supra*, p. 87.

† See vol. iii. p. 325, *note* †.

Colonel Cromwell. Mr. Scot has reflected upon them as rubbish, ballast, &c.*

The debate was improperly moved. Some exception lies against persons that now sit here. Besides those members, one I see in my eye † that has no right to sit. Again, divers have not taken the oath.‡ I would have this debate waved, and the question put.

Mr. Scot. I meant not of the persons, but that there was monopoly upon the ballast. I honour the persons.

Mr. St. Nicholas. I am but a learner of your orders; yet I take it to be according to a constant order that this debate comes properly before you. Did you not, in the case of Mr. Jones, ‖ declare that a case of privilege should be preferred before any other debate.

I move to do *justa, juste.* Many exceptions have been made against laws passed in this House. Let us have no more. The claim was made before; § I would have you now proceed upon it, being properly before you. If you please, I would have a bill brought in to declare their rights.

Colonel Birch. If this question had not been moved before, it had been otherwise. This was made when you were in debate of the single person; and then it was waved, when the question was not half put. For the very cause that was moved in the case of Paul, ¶ he thought it prudence to raise a quarrel in the council; this comes in bare-faced as a quarrel. I hope he ** does not compare this council to that council.

Colonel White. I am glad this debate comes before you. I wish it had not come unseasonably, but I am sure it is now seasonably before you. If you admit them to sit, it is destructive to the very foundation of this House. If they sit, neither by that common law nor custom, how can they sit? It destroys your being.

* See *supra*, p. 93.
‡ See vol. iii. pp. 68—70.
§ See *supra*, p. 93.
** Mr. Scot.
† Probably Sir A. Haslerigge.
‖ *Ibid.* p. 233.
¶ See *supra*, p. 94.

If this vote be carried, and the consequence prove bad, or prove it good, it will be said it was done, *coram non judice*, by persons that had no right to sit. I would have you, before you put any other question, put this question, whether the members for Ireland and Scotland have any right to sit here.

Mr. Bodurda. If this debate be admitted, where will it end? The next debate will be, about those that have not taken the oath. Then, about those whose elections are questionable.

Almost sixty of England are in dispute, and some of them determined by your Committee of Privileges, which is your greatest Committee. All those reports must be taken in, before you proceed.

It may be added, that charges are depending against some members, and charges ready to be offered against others. This cannot be denied more than the other.

I hope none of these attempts to divide this House will prevail. Attempts to divide this from the other House; none of those have yet prevailed. I hope none of these will.

Mr. Morrice. It will be an inexcusable thing in you to admit a vote to those that have no tongue.

This question has been long in the womb. I wish it may not prove, when it is born, like Richard III. born with teeth.

First settle your own House before the other.

The wisdom of prevention is better than that of remedy. We ought first to clear the fountain.

Many sit here to whom we may say, as the king said to him not having his wedding garment on.*

It may be, they will not be speechless, but say they come in on the Petition and Advice.

Not one gentleman of the long robe has categorically said this Petition and Advice is a law. They have argued, *ab incommodo*, which is no argument.

If I should undertake to determine law, I should be checked with a *ne sutor ultra crepidam.*

* "How camest thou in hither?" *Mat.* xxii. 12.

Admit it, *ex hypothesi*, to be a law, yet if the distribution——*

Sylvius, his *Empleden*, has taught me to wish that those three sticks were all bundled together.

If we are inseparable, we are insuperable, but it must be an Act of Parliament that must settle them. And I question whether it must not also have an Act of their own Parliaments.

I look upon his Highness as a planet of most high and benign influence.

Periculosum est, facere quod non decet.

If the Chief Magistrate may arbitrarily and absolutely call whom he pleases, he may call what number, and from what place he pleases.

It is the Pope's policy to have as many Bishops in Italy as in any other place, to carry on his interest.

There is no law either of God or man for these persons to sit. I would have them withdraw, till you have passed this question.

Serjeant Maynard. My learned countryman has made you a fine posy this morning. I grant inseparable is insuperable: but how this is applicable to Scotland and Ireland, if you exclude them, I understand not.

When an addition is put to a question, you can put nought, till the main question be put. You ought to proceed to the question.

I am one of those that are very tender to affirm the Petition and Advice for a law, but I say it is as much a law as any that have been made of late. It is a Parliament must determine this. Judges upon their oaths, and Justices of Peace upon their oaths, act upon these laws. You come hither upon that law. I know no honest man can, otherwise, without future hazard, act upon any of these laws.

Whether what I offer please or displease, it comes from a heart that intends it for your service.

Have not you called yourselves the Parliament of England,

* Blank in the MS.

Scotland and Ireland? Have not you called your Chief Magistrate so?

You are a Parliament by remitter. You take upon you to bind those nations by the laws you make here. Will you have none here to represent them? Is this just?

Anciently, kings sent to Scotland to send burgesses hither.* Whether they sat or no, I know not. So from Calais and Anglesea. Both Houses sat together.† The Chief Magistrate might call who he pleased. In the 33 Edward I. he called from Ireland.

These are called by writ. They are united to us: Scotland and Ireland, I mean.

Such a confusion is upon us, I know not, for my part, how to get out of it. Let us go to peace; not to contend with one another.

Interest will lead very far.

You outed forty monopolizers.‡ Many things have been done. Divers persons have turned out members in a strange way. I shall not stir up; but press unity. I have not said all that I might say. I cannot tell what they say of us abroad.§ We have put ourselves into such a condition, that we know not which way to go. I know not to what misery and misfortune we are going.

I know no other remedy but to put the question to the vote, as it is before you, and wave these collateral debates.

Lord Lambert. That which the Serjeant did boldly affirm was, that the Petition and Advice was as much a law as any law of late. I doubt this argument goes a great way to restore Charles Stuart. The Petition and Advice is *a felo de se*, as to this very point.

I grant it is not proper to interpose in a debate between two questions; but, in a matter of this nature, I hope it is not unseasonable. As to that argument, that all that is done already is void if you exclude those; it is no such matter.

If any member be cast out, being unduly returned, surely

* See *infra*, p. 101.

† See vol. ii. p. 349, *ad fin.*

‡ See *supra*, p. 93.

§ *Ibid.* p. 87.

that law is a law, though made while he was here. If a report come in a Committee, you will receive that report without asking whether such persons that were of the Committee were present at it.

This differs from that case, which is moved by Mr. Bodurda.* This is not about persons, whether Thomas or Robert, but whether such a borough shall send members. You had one borough sent two members that had right but to send one.

I move to put this into a way of debate, before you put any other question.

Mr. Solicitor-general. This question is not likely soon to be determined, and you may as well determine all reports from your Committee of Privileges.† If I knew that that Committee had voted a member out, that sits now, or two or three more that have no right, if I knew this, I may interpose in any of your debates, and say this must be determined, in regard it concerns your privilege, and all other business must stand. Is this ingenuous?

My motion is to put the natural question, "to transact," &c.

Colonel Terrill. I move that those members withdraw.

Admisso uno absurdo, mille sequuntur. You are come to that, then, that either we must be slaves or freemen. There were two sorts of villains. He that confessed himself a villain, it was entailed upon his heirs. We have been slaves to our servants. Let us not be slaves by our own records.

Whenever writs went to those places,‡ it was only to consult of things concerning that nation, and no otherwise. Shall we make ourselves slaves by the votes of those that have no right to sit with us.

There was never any order of the House in this case. This is *primæ impressionis.* A number of persons, sixty, sit amongst us, that have no right. Six or seven carry a cause now. It concerns us to look about us. I must say, under favour of that Serjeant,§ that the Petition and Advice is not law. Bring in the Record, and see.

* See *supra*, p. 98. † *Ibid.* ‡ *Ibid.* p. 100.
§ Maynard, *supra*, p. 99.

37835

Any man that can but read English will say they had no right to be called here.

We sit not by that.* Our writ is as it was anciently. If otherwise, we could no more question them than they us.

We have voted two Houses.† It is a plain implication that it was not a House before, but of our constitution. If this business be not now seasonable, it is never seasonable. It is said we are in confusion if we do it. I am sure we are confounded if we do it not.

I beseech you on behalf of all the people of England that you would not pass this. Not that I am against their sitting, but not without a law. Take it into debate how they may sit by a law. In the mean time I desire those persons may be so ingenuous as to withdraw, while our own freedoms are in debate.

If Serjeant Maynard had not well understood the law, he had not been a Serjeant now.

Mr. Swinfen. I like not that reflection about being Serjeant. He might be Serjeant to ——.‡ He well deserves it.

I am not much moved with his noise of our being enslaved. To reject those things which tend to the setting up and building a constitution, is to bring us into slavery indeed.

That gentleman not long since did determine that the Lord Protector, by right, had no power to call this Parliament.§ If you be no Parliament, I know not that there is any civil power. Then the army does enslave us.

Consider whether we cast ourselves not absolutely under a military power, by rejecting all the civil power we have now in being.

I hear divers confess this debate is not ingenuous nor orderly, but our being is concerned.

This case is no more than that of those that sit upon an undue election. All that is done, while they are here, is effectual. It differs from the case of a stranger. Sitting

* The Petition and Advice.

† See vol. iii. p. 366.

‡ Blank in the MS.

§ See vol. iii. p. 223, 234, 581.

by writ, they are members, *de facto*, till the contrary be adjudged.

This objection was never offered before in all this debate. Since they were admitted all along to the debate, why should they now be excluded? You never cause any to withdraw, till their cases be determined.

If you please, adjourn the debate about the other House, and take it up to-morrow.

Mr. Hobart. We have the worst fortune that ever Parliament had. First, about bounding the single person; then about bounding the other House. Now it is denied that you are judges of your own members. To clear this, as to your own foundation, is the most material. It was never told you that the Petition and Advice was a law.

It is told* you that writs were sent for Ireland, but that was never but in cases of their own to consult. That case of Edward I. was so. England was always jealous to incorporate with any.

When King James came to the crown rightfully, by joining both Houses, he moved for an union of both nations, but the Parliament were jealous then. The King was apprehensive of their jealousy, and moved that the Commons in both places might be called. They came, and what did they do, but consider to repeal laws that had provided towards an union?†

Vindicate your own right, and take care of incorporations; and while you are in this debate cause the persons concerned to withdraw.

Mr. Trevor. The question offered was, whether you will now take this matter into consideration. I would have you put that question.

Mr. Attorney-general. It is an easy matter to suggest aught to be matter of weight and consequence, and easy to find persons to second it; and, if it lay on life and death, this must come in.

* See *supra*, p. 100. † See *Parl. Hist.* (1763,) v. 90–97.

If these men come not here, I doubt they will have Parliaments of their own.

Put the question whether you will at this time admit this debate.

Mr. Fagg. Any person may offer an addition to this question.

It is a standing order of the House, that if any member come in between affirmative and negative, he must withdraw. Divers returns for Ireland are not made. You are not so near a question as is moved to you. I think it is very regular to proceed upon the matter now in debate.

Sir Walter Earle. If you will look into your books, you will find no adjournment of the debate. The books were found accordingly.

Mr. Speaker reported the debate.

Sir Thomas Wroth. I move to adjourn this debate till to-morrow.

Mr. Steward. If you had any debate before you, I should not be against an adjournment; but you have no debate regularly before you. The debate yesterday was at an end.

Mr. Knightley. If I had a report to offer you, concerning bringing in any member, I would be bold to offer it; though you had ordered to adjourn, and nought to intervene.

Colonel Morley. If that gentleman have liberty to speak every second man, pray let me have my turn.

I think the debate comes properly before you. I find no colour of law for their sitting. If you please to adjourn this debate till to-morrow morning.

Sir Henry Vane. I could not attend you yesterday in your great debate.

If I understand any thing of order, you have been out of order ever since you sat. Till this was cleared you ought to have done nought but choose your Speaker.

It arises thus to me. As your question was, last Parliament, whether you would keep out so many members* as that those that were in, might make the Petition and Advice; now,

* See vol. i. p. 262, *note* ‡.

the question is, whether you shall take in so many as are not members that may confirm it; or for you to transact with those persons here that have no foundation, to transact with persons that have no law to be another House. By this means you have subverted your own foundation. Your wisdom will be concerned in it, to part with a prize in your hands that you know not how to manage. Again, it must be considered that they should withdraw, while this debate is afoot. Otherwise, they will hang upon you perpetually as a negative. As you lay your foundation, so will the weight of it be. You will look for peace and have none.

The vote for the single person passed with the greatest unanimity that ever was. When a man is asleep, he finds no hunger till he wake. I doubt the people of England will be hungry when they awake.

A greater imposition never was by a single person upon a Parliament, to put sixty votes upon you. By this means, it shall be brought upon you insensibly, to vote by Scotch and Irish members, to enforce all your votes hereafter.

Mr. Bayless. It is against the orders of the House, to call the House in the midst of a debate; for this is a calling of the House.

Mr. Bodurda. I move, that your question be whether, at this time, you will take this business into consideration.

Sir John Northcote. I move to adjourn. I know what sad fate attended one night's debates. I wish it may not be our fate. There has been nought but breaking orders of the House these four days. I would have the debate adjourned at large.

Mr. Attorney-general. I move, to propose a question, and then adjourn.

Mr. Neville. The first must be, whether, when the question comes, they must withdraw; for if persons concerned may vote in their own cause, then it is as broad as long.

If ever there was a cause for this debate in this world, it is now; for you are, for aught I know, going to give away the nation; so that there is a necessity of determining if they will withdraw.

Serjeant Maynard. I move to adjourn the debate generally. The night will overtake you, before you can settle where to fix. Take it up in the morning, and debate it out.

Colonel White. Adjourn the debate upon the question proposed.

Colonel Cromwell. I move, not only to take this into debate, about the Scotch and Irish members, but also to determine about those that sit, and have not taken the oath.*

Sir Arthur Haslerigge. Very well moved.

Mr. Trevor. Make your question certain, and then adjourn.

Sir Arthur Haslerigge. I would have this debate ended before we rise. We are upon the *unum necessarium*. When I went to dinner, you were upon this debate, and have been three hours upon it. Whoever say that they† are upon a right foot, are surely not of the Long Robe, nor ancient Parliament men.

We are the sole judges of our own members. No writ from without can bring in members upon us. The Petition and Advice cures that vice.

I am well provided to sit it out till nine, ten, twelve; till it be determined; and till then, I shall not be satisfied with any vote. I shall lay my claim, constantly and continually.

He was full of jests, and in great heart to-day. He turned from the Chair, and they called him to speak to the Chair. He said:

I am not bound always to look you in the face like children, to see if you have a penny in your forehead. The gentleman that cried, "Speak to the Chair," is behind me. We are now upon a new foot; we have a new Speaker. A new debate is now come in; so that we cannot return to the old debate. If you please to adjourn, I shall not take any advantage, though I am well provided for it.

Sir Anthony Ashley Cooper and *Sir Richard Temple* moved that the persons concerned might withdraw. They claimed it as their privilege.

* See vol. iii. p. 68, *note* §.

† The Scotch and Irish members.

Mr. Lechmere. The question now is, whether the interloping question shall prevail. I move, that you would state a question.

Captain Baynes. It is too late to state a question now.

Mr. Speaker was going to leave the chair, and adjourn it generally.

Mr. Trevor very angrily said, he ought not to leave the chair, without directions of the House.

Sir George Booth. Leave the debate generally without a question, and it is fair for all sides.

Colonel Mildmay. I would not have any question put, till the members* be withdrawn.

Captain Whalley. By that rule, if two or three members stand up, and charge half the House, then must they all withdraw. I would have it first determined, what shall be the matter of your debate. The proper question is about the other House.

Mr. Scot. Whether is it more ingenuous to dispute it now, or when the law is passed? Will you leave the nation to dispute it afterwards? That is not so ingenuous.

Colonel Birch. You are now upon another debate, whether you will put any question at all. If you thus rise without a question, you are where you were in the morning. You are now doing that which was never done in Parliament before; but, before you rise, put this question, what shall be your debate to-morrow.

Colonel Okey. I move that the persons withdraw.

Mr. Starkey. This is a begging the question, to move that they shall withdraw. It is not to the persons, but to the things; to the right of the places that sent them.

Mr. Hedley. This is a division from part of the question, like the division of the harlot's child.† This is not the *unum necessarium*, thus to divide and dismember a question.

Mr. Young. I move that the members withdraw. The last Parliament, the House adjudged the case in the ab-

* For Scotland and Ireland.

† 1 *Kings*, iii. 25.

sence of the persons, above one hundred that were kept out.*

Sir Henry Vane. Of necessity you must first come to that question, whether they shall withdraw: else you break all orders. They will never suffer themselves to be brought to the question. They will keep off all questions.

Mr. Knightley. In the call of your House, I told you one borough sent two members that had right but to send one. The modesty of those gentlemen was such that both withdrew. I hope these gentlemen will in modesty withdraw. They may be at the debate, but they must of necessity withdraw before the question.

Sir Walter Earle agreed what was last moved to be orderly.

Mr. Goodrick. They ought not to withdraw. Put the question, whether you will have any question to intervene.

Sir Anthony Ashley Cooper. They ought to withdraw. (He cited Mr. Danvers' case. †) If they may have a vote in this case, it will be in their power to keep this vote off themselves all the Parliament. They are most worthy persons; but let us consider the consequence.

Colonel Cox. These members were never questioned when they sat upon the Instrument of Government.‡ Then they came again upon the Petition and Advice, and sat, and were never questioned. They have sat now upon the Petition and Advice. I would have this debate waved.

Sir Arthur Haslerigge. We sat upon another foot before.§ The Protector is sworn to call Parliaments according to law. Here is a law for an English Parliament; but none for Scotland nor Ireland.

He was taken down, having spoken.

Mr. Bulkeley. The consequence will be dangerous, to throw out, not only the members, but the union, for want

* See vol. i. p. 262, *note* ‡.

† See vol. iii. p. 241, *ad fin.*

‡ *Art.* ix. See *Parl. Hist.* (1763), xx. 250, 306, 307.

§ See vol. iii. p. 74, *note.*

of a formality. I am not of opinion that this debate is well timed, now.

I shall sit down under any event, whatever it be. You are upon a great point.

These persons have formerly contributed to your settlement, and have done you faithful service here and elsewhere. I had rather you should put off the other question than go on in this.

It will *male audire* abroad, to cause sixty members to withdraw, and go very far to annul whatever you have done this month. I shall offer an expedient.

I desire to carry my eyes in my head, and in carrying on my duty to have an eye to my danger. We have been broken often, and may be hereafter. You are a free, a full Parliament. Look not back. Let all nations, soldiers and others, know by your declaration, that it shall be high treason and confiscation to attempt any thing upon the person of your Chief Magistrate. It may conduce to your quiet, be very much for your service, in justly carrying on the debate.

Mr. Knightley. Put it in two questions. I shall not be against it.

1. That it shall be high treason to attempt aught upon the person of his Highness.

2. That it shall be high treason to attempt upon this House.

This was done in January 41, when the Committee of Parliament adjourned to Grocers' Hall.*

Sir Henry Vane. Keep to your debate. You have two hares a-foot. You will lose both. What can you do, but declare? You cannot make it a law.

Sir Arthur Haslerigge. I like this vote very well. I have exceeding fidelity to his person. If we stick together, if we were turned out naked, we should deal with all the world. That it may be high treason also to dissolve this

* See Rushworth's *Hist. Coll.* (1708), iv. 240.

House. I am ready to give my affirmative to both. I hope the question was well digested before it was offered. If we two unite, and the representative of the people, who can balk us? This will secure your fears.

Sir Anthony Ashley Cooper. I like the thing very well, but it comes not in seasonably. Be the thing never so good, it ought not to break in upon this debate. Divert not upon this question.

Colonel Terrill seconded that motion.

Mr. Goodrick moved to third the motion, that the question be put, to make it high treason to attempt upon his Highness, or upon any member of this House.

Mr. Sadler. This last motion is not seasonable. It is the greatest compliance to fear to express your fears. I have heard it said, that but for distempers in the body it would be immortal. It is not your vote that will secure you. It must be wisdom and justice that must secure. More Babylon is within us than without us, by falling upon petty babbling things.

This question last moved, my heart goes along with it, but I think it is not seasonable now. Nought should divert you from this debate about your own foundations.

The case now in hand does vastly differ from my case* or any particular case. I should not have stirred the question; but now it is stirred, it concerns you. I think there is much more for their sitting here than has been said; but the question now is, whether this question be offered regularly.

To lay down a general rule, that no other question should be put, is against all orders. Any addition may yet be offered. Admit it had been put, that no addition should be put.

The very words of the question would have put you on this debate. This House, it is not complete. If a gentleman has shut the gallery door upon six score of your members, you are not a House then. The same argument

* See vol. iii. pp. 560, 580.

if six score were brought in, and thus were added two Houses together.

When your question was put, divers were withdrawn. I asked them why. They ingenuously said, why should they give their votes, in a matter of this consequence? If you should leave it to their prudence, I believe they would withdraw. My reason is, that I believe they knew all the laws of nature and man were against being judges and parties. It is clear they ought to be at the debate to say all they can for themselves and, the nation, but not to be here at the question.

Serjeant Maynard. I move to adjourn upon that question before you, as to the right of the Scotch and Irish members. Many of us want refreshment.

Mr. Chaloner. We sit, still. Many have gone out before, to dinner; and now I believe some are going out to supper, and we sit, still. I pray we may adjourn.

Serjeant Maynard. I would have no question put, and then no man is prejudiced; for it will be an admitting them to have votes who are now in dispute.

Mr. Trevor. I have as much reason to move to adjourn as any man. I would have you order it and put no question. It may be moved, their withdrawing, to-morrow, notwithstanding this question.

Sir Arthur Haslerigge moved to adjourn the debate generally.

The debate was adjourned at large accordingly, till to-morrow, at eight in the morning. And the House rose at past five.

I went to inquire of Committees sitting, but none sat, it was so late; only the grand Committee of Grievances adjourned till to-morrow.

Thursday, March 10, 1658-9.

Mr. Speaker took the chair at nine.

Prayers by Mr. Cooper.

A Petition was offered from Mr. John Herbert,* *versus* Jack Trevor, touching the *Custos Brevium*† office. It was appointed to be read on Monday.

Mr. Knightley, for Serjeant Waller, reported from the Committee of Privileges, touching the election for Tiverton, that Alderman Warner and Sir Coppleston Bampfield were duly returned, and Colonel Shapcot unduly.‡

It was moved to recommit it. Others moved that nought could intervene till the great question, touching the Scotch and Irish members, was determined. This held in debate till eleven, and at last

Resolved to agree with the Committee. My single negative was to it.

Mr. Bethel. I move that the debate upon the Scotch and Irish members be taken up, and that the persons concerned, withdraw.

The order was read touching the adjournment, and he moved that before they withdrew, they might be heard say what they had to say for themselves.

Dr. Clarges. There is nought in this debate but *ipsi dixi-mus.* I am of opinion that the gentlemen that serve for Scotland have a clearer right than the English. You conquered them throughout. Commissioners were on both sides for an union.§ There was a declaration in 51, to that purpose. To

* See *supra*, p. 20, *note* †.

† "Principal clerk belonging to the Court of Common Pleas." *Dict. Anglo-Brit.* ‡ See *supra*, p. 42.

§ "October, 1652. A deputation of twenty-one Commissioners, from Scotland, came up to London about this time, to treat with the Parliament about the intended Union between the two nations. *Parl. Hist.* (1763,) xx. 101.

"October 8, 1652. Resolved, that a Committee of Parliament, of the number of twelve, whereof seven to be of the quorum, be appointed to meet with the deputies come from Scotland; and that they do peruse their commission, and see that it be in pursuance of, and according to the Declaration of Parliament." *Journals.*

"March 25, 1652. Sir Henry Vane, Junior, reports from the Council of State, a Declaration of the Parliament of England, in order to the uniting of Scotland into one Commonwealth with England. And the said Declaration being put to the question, was assented unto.

subdue a people and offer them the same privilege with yourselves,* and then take it away, is a clear inconsistency.

Some of those parts stood out, and would not unite, but did deliberate.† You did not carry arms thither, to make an absolute conquest upon them.

His Highness did assume the government, by advice of his council. I shall not dispute the title. Two Parliaments were called, where the members from thence came. One Marquess and two or three Earls‡ have complied so far with you, as to come and sit with you upon this foot.

We have a statute for sending thirty members hither.§ You have no statute to call four hundred members for England. You have laws and customs, you will say. There is no law to call one Parliament, nor for a Protector to call Parliaments. He is Protector of England, Scotland, and Ireland, and the Parliament is so; and he had no power to call a Par-

"Ordered, that the said Declaration be printed; and that all the printed copies be delivered into the hands of the Clerk of the Parliament; and that there be no publication thereof, until the Parliament take further order." *Ibid.* See vol. i. p. 12, *note*†.

* "This proposition of Union," says *Ludlow*, "was cheerfully accepted by the most judicious among the Scots, who well understood how great a condescension it was, in the Parliament of England, to permit a people they had conquered to have a part in the legislative power." *Memoirs*, (1698,) i. 388.

† According to the resolves, "March 18, 1651-2," these are concluded by "the shires and boroughs, who accept the tender of Union." Such are "authorized to elect a certain number of persons, with power to the deputies to elect a fewer number of persons, to represent all the shires, and a lesser number of persons to represent all the said boroughs. Which persons are to repair to such place as the Parliament shall appoint, by a certain day, with full power, on the behalf of Scotland, to effect the premises." *Journals.*

‡ In 1654, the Earl of Linlithgow. In 1656, Lord Cochrane and the Earl of Tweedale. In 1658, the Marquis of Argyle and the Earl of Tweedale.

§ "April 12, 1654." It was "ordained by the Lord Protector, by and with the advice and consent of his Council," that "in every Parliament, thirty persons shall be called from, and serve for Scotland." *Scobell*, (1658,) pt. ii. 294. This ordinance was confirmed, 1657. See vol. ii. p. 248.

liament, but by that title, and by this consequence you are now a Parliament.

It is no new thing for members for Scotland to sit here. All the objection is, that the distribution is not agreed on, the more wrong to the people of Scotland; yet they are content with the distribution.

For Ireland, they have as good a foot as any. They are united to you, and have always had an equal right with you. He that was King of England was King of Ireland, or Lord. If you give not a right to sit here, you must, in justice, let them have a Parliament at home. How safe that will be, I question. Those that sit for them are no Irish *Teagues*, but faithful persons.

Your writ is your charter of sitting, else you are no Parliament. If you please, put the question whether the members for Ireland and Scotland shall sit in the Parliament of the Commonwealth of England, Scotland, and Ireland; seeing it is the course to end with a question.

Sir Henry Vane. It is truly told you, they are united, and ought to have a right to sit here. That is not the question; but whether the right be derived according to law. The Petition and Advice gives his Highness power to call Parliaments, but, according to law. Query, if that be pursued?

It is well this is agreed to be a Parliament of the Commonwealth of England. There is no incorporation for Ireland, as was for Scotland. Admit Scotland to have a right of union, they are not duly and warrantably called.

Proceed first upon Ireland, and if any Irish members have aught to offer, they may be heard, and at the question withdraw.

Mr. Lockyer. The dependence of this business is of greater consequence than the concernment of any person; but, the nation of Scotland being concerned so deeply, give me leave to speak my thoughts.

The tie of that nation to England is very great. It cannot be denied that it is now united to England. There is a declaration and manifest engagement from England, to preserve the rights and liberties of that nation.

When the English army came first into that nation, two proclamations were put forth, declaring they had no intention to enslave that nation, but to assert their liberties and privileges.

This union did most acquiesce all interests. The malignants were no sooner suppressed, but you sent to us Commissioners to treat for an union. They had power to tender, not to make an union. In law, reason, justice, and conscience, then, ought to be given all rights and privileges due to that nation.

The privilege of sitting here is expressed in the Act of Union,* and in the Petition and Advice.† Not only *de jure*, but by possession we have sat here. I conceive it is a maxim in law that no man that is in possession should be debarred, but by a better right. If they be debarred, it will not only annul all that is done this Parliament, but all Parliaments before.

I have been bred in law, though not acquainted with the law of England. If I have no right to sit here, no Act made while I am here, but is void.

All the objection is that there is no distribution of the members. I take the proportions to amount to the number, and there is no distribution in that clause of the Petition and Advice. That clause is no more plain for England than for Scotland and Ireland. If it were disputable, it is determined by order of his Highness and Council, and by former Parliaments, and this Parliament admitting them by a tacit consent, and the consent of the persons that have a right to choose.

When the gentleman said we did not know *yea* or *no*,

* See *supra*, p. 112, *note* §.

† Probably referring to the design expressed in the following conclusion of *Art.* 4, and which was frustrated by the abrupt dissolution of the Parliament:—

"And that the number of persons to be elected and chosen to sit and serve in Parliament for England, Scotland, and Ireland, and the distribution of the persons so chosen, within the counties, cities, and boroughs of them respectively, may be according to such proportions as shall be agreed upon and declared in this present Parliament." *Parl. Hist.* (1760,) xxi. 134.

surely he meant not that we could speak nought else,* but that I leave to the judgment of the House.

The nation of Scotland have been so tenderly cared for by this House, when they had exasperated this nation, that I dare well repose now that this House will do nought to take away the rights and liberties of our nation.

Colonel Kirkley. I shall offer an expedient.

It were a sad thing that this House should rise and do nought. Our enemies would rejoice. To reconcile this, I shall be of a worthy knight's opinion,† to make addresses to his Highness, expressing how willing you are to receive him, and to establish another House; so you may secure the rights of the people.

If his Highness refuse it, you are but where you were. It is no dishonour. I never saw his person, though well known to his father. I and all people have great hope of him.

It is not safety to disengage these nations. If the family of Stuart should make any stir, as they will, then it becomes a national quarrel. I should be sorry to see it a quarrel between two families.

My motion is, to consider in what way you will address to his Highness, to acquaint him clearly what has been your stick.

Captain Baynes moved to the order of proceedings, and was called down by the chair, unless he speak to the orders of the House.

Sir Thomas Wroth, who stood up first, moved to hear all they could say, and then that they would please to withdraw.

Mr. Fowell. The case of Scotland differs from that of Ireland. Go on with that of Scotland first, and, if you please, they may withdraw.

Major Knight for Scotland.‡

If you will not admit them to sit, why were they called? Put the question whether they have a right or no.

As to withdrawing, I cannot, till by your vote I am com-

* See *supra,* pp. 87, 95, 98. † See *supra,* p. 41.

‡ See vol. iii. p. 325, *note* †.

manded. I cannot discharge my trust if I withdraw till you command one. If you please, put that question first, whether we shall sit and vote?

He said, we should turn him out when he went out.

Sir Charles Coote. I could offer you something to the service of this House. We are entered upon a debate which was not agreed on, when the House rose, to be matter of the debate. If you please, go on upon the debate about transacting, which is the natural question. The merit has been well spoken to.

Mr. Hewley. This debate came in irregularly, to divide us from a question; and, now, to divide the Commonwealth. I would have you put the natural question.

Mr. Knightley. I cannot sit still and hear the word irregular used in this House. It is not parliamentary. It was a little too peremptory.

Mr. Speaker told him, under the favour of his worthy countryman, the word "peremptory" ought not to be used in this House.

Mr. Trevor. Seeing the Scotch and Irish members themselves desire it, put it off your hands, though the debate come in irregularly.

Sir William Wheeler for Scotland.

There is no complaint before you from those parts, touching the distribution. We are united, and have equal right with England to sit by the Petition and Advice. They are one body with you.

Fourteen several Acts, passed last Parliament, granted or confirmed pardon, while they sat. I understand not why any should now find a starting hole. I believe we shall do you no disservice. Some of us have spent, and will be ready to spend our time, our blood, our treasure, for you.

Colonel Birch. I was against this debate coming in at first; but now, I would have you proceed. Therefore I would have you put a clear question, that we may freely give our votes; not put both nations together, but Scotland first. I shall speak to that.

It rejoices my heart to hear so much said upon such good grounds. This Union is a return of prayers, put up many years ago. The north parts always prayed this prayer.

I shall say no more to the legal part, but to the prudential. If you turn out the members, think of the consequences after such an union, to subdivide. I hope this House is generally satisfied in it. There is more to God's glory in this thing. than in any thing that is done this war. If they have a Parliament of their own, it is a question whether they will agree to vote with us.

I shall propound a question, if you please, whether you will reject the members for Scotland from sitting in Parliament. Then they may withdraw, if they think fit; though I could offer authority, that they ought not to withdraw.

Sir Henry Vane. There is no such question before you, of rejecting; but questioning whether the Chief Magistrate have power to bring in members here, without a foundation of law.

If you please, adjourn for an hour, and let your Clerk, in the mean time, gather up all that on your books may relate to this question.

Mr Jenkinson seconded that motion.

Mr. Annesley. This of the Clerk gathering out of your books, is a new question. I move to divide your question. You cannot carry on Scotland and Ireland together. The cases differ. I never see you carry on two boroughs together.

Mr. Attorney-general. I was always of opinion that this question came in irregularly. I doubt this cannot be determined, before you proceed upon your first question, and debate it in a full and free house. It tends neither to villanage nor slavery, but to peace and unity.

Mr. Knightley. I am sorry to hear a gentleman that sat so long in this House for England, should now be serving for a borough in Scotland; and should insist that he sits upon as good a foundation as England.* And I may well

* See Dr. Clarges, *supra*, p. 112.

call that peremptory,* when a whole House is charged with doing that which is irregular.

There was a great debate whether the Irish or Scotch members should be first taken into debate. Some moved to adjourn. I came away at almost one. The House sat till almost three, and at last,

Resolved to proceed in the debate concerning the rights of the Scotch members to-morrow morning.

The Committee of Grievances sat in the afternoon.

Colonel Terrill in the chair.

Mr. Wharton offered Sir William Huddleston's Petition *versus* Dale.

Mr. Annesley offered a Petition touching the excise from Dublin.

Both were appointed to be read on Wednesday next.

I seconded *pro* Sir William Huddleston.

Mr. Raleigh offered the Petition of Lady Worcester touching Worcester House,† which was read, and referred to a Committee, *quorum unus* T. B.

It was referred to the same Committee to consider of unnecessary courts, viz. Drury House and Worcester House Committee, obstructions, &c. This was occasioned by this Petition.

Sir Arthur Haslerigge. I repent from my heart, and ask forgiveness of the Committee, that I was guilty of setting them up.

Lady Hewett's Petition,‡ it seems, was delivered to the clerk, and by some legerdemain got off the file. It was moved to be produced.

The case of Longe and Edwards was heard by counsel at bar. The Committee of Privileges sat touching Packer and Cooper's election.

Friday, March 11, 1658-9.

Mr. Speaker took the chair at nine.

Prayers by Mr. Cooper.

* See *supra*, p. 117. † See vol. ii. p. 102. ‡ See *supra*, p. 80.

Ordered, that Cole and Radney's case* be heard this day sennight.

It was moved that Colonel Overton† being come to town, he might be called to the bar.

Sir Henry Vane. He is brought so weak with four years imprisonment, that he can scarce go over the floor. If you please, he may be called in on Monday. He is now a prisoner at your doors, by your commands.

Mr. Bodurda. You were in fetters yourself. First deliver yourself from that, and then let the other business be the next business.

Mr. Swinfen. You are but in a parenthesis, in the midst of a debate.

Serjeant Maynard. You ought not, without leave, to speak against the orders of the House; for nought was to intervene.

The order of the day was read.

Mr. Bodurda. I have something to offer which may seem to put you by your debate. If there be a question concerning three hundred that sit here, if there be withdrawing in the case of Major-general Packer, there is a member whose election was in question yesterday. His case is, that he was chosen a burgess, and was neither resident nor freeman. Counsel agreed the law to be so.

If that member must sit, whose election was questioned, then I believe above a hundred who sit upon the same foot must go out.

A learned counsel, Mr. Finch,‡ counsel for the member sitting, did press to be heard in this case, and would make it out.

I only press this to prevent withdrawing in the case. This is a personal incapacity. The other is national. This is something which does not depend upon former precedents.

Colonel Morley. This is a report for the Committee of Privileges.

Sir Henry Vane. This is no new precedent. It has been

* See *supra*, p. 1. † *Ibid.* pp. 45—49. ‡ See vol. iii. p. 425, *note* †.

often adjudged in Parliament. I like not scrutinizing votes. I never knew it thrive. That is not ingenuous. I would have the truth known.

I have known, in former Parliaments, such telling of noses, that one has set down persons names before the vote passed.

This is but upon a private counsel's opinion, Mr. Finch, a person to be honoured.* I expected some great matter. This is no new case.

* It was probably little apprehended, (though the recorded progress of crown-lawyers might have sanctioned almost any expectation,) that this "person to be honoured," would, in a few eventful months, like Sir H. Vane's now parliamentary colleague, Serjeant Maynard, (too soon to appear among his legal assassins,) "weigh well the wages with the work assigned," and as the result of the calculation, resolve to secure the favour of Royalty, by devoting a law-learned head and an eloquent tongue, if not a pitiless heart, to inflict those sanguinary retaliations so becoming the character of the restored Stuart; and which Manchester, Annesley, Hollis, Shaftsbury, and the rest of the Presbyterian Royalists, in the short day of their triumph over republican associates, were not ashamed to sanction by their presence in the seat of judgment.

The professional rancour of the future Earl of Nottingham towards Major-General Harrison, (see vol. iii. p. 425,) appears aggravated, if *Ludlow* had been correctly informed, "that the executioner, in an ugly dress, with a halter in his hand, was placed near the Major-general, and continued there during the whole time of his trial." What a sight for Manchester, and the rest of the new courtiers of Charles Stuart, not to mention the *quondam* lawyers of the Commonwealth, to contemplate from their dignified stations on the bench! What a price to pay, for a wand, a ribbon, or even a coronet!

Ludlow, on this exhibition of "the executioner," adds: "Which action, I doubt whether it was ever equalled by the most barbarous nations. But, having learned to contemn such baseness, after the sentence had been pronounced against him, he said aloud, as he was withdrawing from the court, that he had no reason to be ashamed of the cause in which he had been engaged. This sentence was so barbarously [and literally] executed, that he was cut down alive, and saw his bowels thrown into the fire." *Memoirs* (1699), iii. 62, 63. See, on the regicides, vol. iii. pp. 110, 111, *note*.

Bishop Newton (P. R. &c. p. 256), like Warburton, very reasonably conjectures, that Milton, in *Samson Agonistes*, 667—704, "reflected upon the trials and sufferings of his party after the Restoration," men "with gifts and graces eminently adorned;" yet, at length, subjected

— "to th' unjust tribunals under change of times,
And condemnation of th' ungrateful multitude."

I beseech you, let us come plainly to the business. It is of greater weight, the more you consider it.

Sir Walter Earle. I can justify what Mr. Bodurda has moved. Something is in it.

Colonel Birch. I move that the matter of debate be, whether the Scotch members shall continue to sit in this House; that you may have some certain foot to debate upon.

Mr. Godfrey seconded.

Mr. Knightley. I move that the clerk of the Commonwealth attend with the indentures and returns; to see by what writ they sit.

Colonel Morley. I have observed that all questions in former Parliaments have arose out of debate. Now, debate must arise out of questions. You ought to collect the sense. I wish I could hear arguments of legality and prudence.

Serjeant Maynard. I think every man that speaks in this House will not take it upon his oath that all he speaks in this House is law. The question offered, is very proper and agreeable to the debate. If I be not satisfied in the right of it, I shall not give my vote for it.

Sir Henry Vane. You must be enlightened by the debate, before any question can arise; I would have the Petition and Advice considered. I have cast my eye upon it. I speak to the defect about the distribution.

I believe, before the calling this Parliament, it did not take them up a little time to consider how to call it; and there was, I believe, much difference in judgment.

They saw plainly that by breaking up the last Parliament there was a defect. If any distribution had been agreed on for Scotland, surely it would have been for England. The lawyers and judges durst not advise to choose according to any distribution since 42. If the Scotch and Irish be called by the late distribution, why not so for England?

They had a sure foundation to retire to, the law of the land, the old distribution. Then you will say, why did they not call another House? They could not call any but old Peers, and there was a bar before that which they durst not bite on, an act of Parliament. They set up another House *de*

bene esse, and these members for Scotland and Ireland likewise, to see if you would swallow. They both sit on one foot.

They know their own imperfections: else you had heard from them before this. With England they durst not meddle upon another foot than the old law,* and you now sit upon that clear foot of law; and it is a great providence that you are now come together to debate these grounds.

I would have the Petition and Advice, and writs, and returns, before you.

Serjeant Maynard. That gentleman spoke to the order of proceedings, and then spoke to the whole matter. Be a person never so great, he ought not to wander so in the debate.

Mr. Grove. Any member may offer a question. It has been now two days debated. The question offered you, is very suitable to the debate.

Lord Lambert. This question was never yet, in debate before you. Let us go to the open matter, and understand the whole business.

Sir Walter Earle. I would clear what arises out of the Petition and Advice. His Highness is to rule according to the Petition and Advice in all things,† and in other things according to law. I would have it considered if this distribution be according to law.

Captain Baynes. Yesterday there was a general debate both of Scotch and Irish. You have now tied yourselves to debate upon Scotland only. None has spoken against the justness and reasonableness of their sitting in an English Parliament. The Act of Union agrees, that they shall have thirty members. I shall not now speak to Ireland. The case differs.

It is said, members have anciently been called from Scotland to sit here. It is offered you, that they can make their right out by law. If so, haply you will not think it fit that they should withdraw.

It may be both the ordinance for the union, and the

* See vol. iii. p. 74, *note*.

† For which it provides.

distribution are confirmed by Parliament. I suppose his Highness and his privy and learned council did advise about calling this Parliament. They had recourse to the laws of the land, for England.

I would not have us make a flaw in our whole foundation. We sit upon one foot, and they on another. I should be glad they could make it out by law, that they sit here rightfully; that they might not withdraw.

The question will not be, whether they shall sit here or no, but whether they shall sit, till they be brought in upon a legal foot of account. They had their votes in the Petition and Advice, which voted them out of this, so no great injury to them when by their own consent. I would have the record of the Petition and Advice before you, not a printed copy. Something may be put in as well as the article that is left out.

They plead the Act of Union, and that they ought thereby to have thirty members. If so, inquire whether they sit upon a legal foot. If that be not made out when you have heard them, they may then withdraw.

Mr. Hobart. I judge not upon particulars. First, hear all that Scotland can say, and if you be not satisfied, call what particulars you please, and then let them withdraw at your question.

Serjeant Maynard. They sit no more for Scotland than for another place. They are not arraigned here.

Dr. Clarges. I move that three things be read; the Declaration in 51, the act of the Long Parliament, and the Act of Union. They are all before you.

Mr. Lockyer. I hope you are satisfied it is no intrusion in those members. I shall not speak to the Declaration, nor to the act of the Long Parliament,* nor to the treaty about the union. I shall confine myself to the right of that nation. That they had a right, and have a right to sit here.

The 4th article† makes it out that the distribution shall be as agreed in Parliament. A bill of union was debated in

* See *supra*, p. 112, *note* §.

† *Ad fin.* See *Parl. Hist.* (1760), xxi. 134.

a grand committee, and ready to be reported to this House. In that was a clause that thirty members should be for that nation. The House not having time to pass this, they did confirm the ordinance of union, wherein were provided thirty members for Scotland. Pursuant to this they had a possession last Parliament. I shall not say we have as good a right as England,* but we have a sufficient right.

Although the nation of Scotland have a right to send thirty members, yet no part of Scotland has a right to send any. That the distribution is not equal, is not consequent to any member in this House, unless he speak for a county or borough of that nation.

An assessment was laid upon Scotland by the last Parliament. You regard not the distribution, so you have your whole sum. If you have given us thirty members, you have your number. What have you to do more?

Again: If the Parliament of England be obliged to give this nation a distribution, an equal distribution, if that nation be in possession of this distribution, as equal, it cannot be broken. If this be, *bonâ fide*, our possession, I say, then, you are obliged to give the nation this distribution.

It is said there is no distribution according to law, therefore they ought not to sit.

I answer: there is a distribution according to law. I shall make it out upon the Petition and Advice; *per* the fourth and sixth articles.†

None will say this annuls any laws, else no member sits here upon a foot of law. Then, whatever is not disposed of there, is referred to the laws of the land. This is a relative paragraph.

Whatsoever is not disposed, *per* Petition and Advice, must be according to law. It is confessed out of their own mouths, that it must be according to law. There was a law in being, before the Petition and Advice.

We have sat here three Parliaments upon that distribution; and have five years' possession. By the law of our own na-

* See *supra*, p. 118, *ad fin.* † See *Parl. Hist.* xxi. 134, 135.

tion, and upon the Petition and Advice, we have right. Some gentlemen will say we have forfeited this. Let that be made out. Your and their enemies would gladly throw this bone between you and them. There is only the want of a bare formality.

I move, to put the question, if they shall continue to sit?

Mr. Manley. It is the happiest day that ever we saw, to see them here. I shall never go on any thing that the law will not warrant. I would have a clear debate, that neither party be entangled. * Let your question be, whether they have a right to sit or no.

Mr. Weaver moved, that the papers offered be read.

Colonel Terrill. I doubt not that worthy learned gentleman* spoke rationally. I heard not a word he said, but that they had a right to sit. I shall speak to that claim of right.

I am not satisfied that they have a right by law to sit, though I doubt not but before this Parliament dissolve, we shall confirm them on a legal foot.

The writ is not grounded upon the Petition and Advice. It is a writ at large. The writ should have showed who should choose them. They might be chosen in London, or by votes or letters,† for aught appears.

14 Henry VI.‡ The King sent letters to the Sheriff to return such knights as he named. There was an Act of Parliament to confirm that, else all done that Parliament had been invalid, and the Sheriff punished besides.

5 Henry VI.§ A statute was determined by the determining the Parliament. The dissolution of the last Parliament determined the article *in toto.*‖ His Highness being but one estate, could not restore it.

If we sit *per* the Petition and Advice, I agree with that learned Dr. Clarges;¶ they have a better foot than we, for their number is grounded on thirty. Our number is uncertain. It is a *nemo scit*, how a Parliament of England could sit on that foundation. Seeing they could not ground it on

* Mr. Lockyer. † See vol. iii. p. 323, *note.* ‡ *An.* 1435.
§ *An.* 1428. ‖ See *supra*, p. 122. ¶ *Ibid.* p. 112.

that, they had recourse to the law of England. We sit by that writ, and cannot sit by any other law.

I would have the record brought hither, of the Petition and Advice. A printed book is not enough. It may be mistaken. Observe, the word Highness in the fifth article, and word "successor" in the explanatory, carry it to perpetuity. In the name of God, let them carry it! but consider it well. It can never relate to the fifth article. Successor is a word of no signification in that place.* I have the form of the writ in my hand. It relates not a word to the Act of Parliament. That was not pursued. His Highness, having but a personal power, never pursued it. There was never any constitution of a Parliament according to this institution of the Petition and Advice. If he never executed it, then it is impossible that his successor should do it.

I acknowledge Acts of Parliament ought to be construed as wills.† If it appear that his Highness called a Parliament upon the Petition and Advice, then the other House is the Parliament, and we are not; for we were not called by that Petition. If his successors may call, then may his heirs, and he may appoint his successor. I would have an Act of Parliament brought in to confirm their right.

Mr. Attorney-general. The first and last part of what he spoke, concerned the Scotch members: the other part—you heard it.—I shall say nought to it. Much of this was said three weeks since, in the debate of the single person,‡ which is not now before you.

I am glad it is agreed by that gentleman, that the Petition and Advice is a law. He has read upon it. As you are called hither, not as counsellors at law, but as counsellors of state, you must advise what is best and safest for the good of the whole, and not go upon quirks of law, and talk of England, and never come to Scotland.

As to arguments of prudence, if you dissolve this of Scotland, then is the Act of Pardon§ gone, and the Act for settling

* See *Parl. Hist.* xxi. 134, 147. † See vol. iii. p. 579, *ad fin.*

‡ See vol. iii. pp. 73, 137, 223—226.

|| "Passed 12 April, 1654, confirmed 1656." *Scobell*, pt. ii. 288.

Courts of Justice and Court Barons* there, is gone. Acts for Excise, and for taxes, and the Act of Union† also gone. If there were a formality wanting, whether is it not better to dispense with it, than to throw off a nation?

I would, therefore, have you make this your question, that the nation of Scotland have a right to sit here.

Colonel Matthews. I second the motion, and would have that worthy gentleman bring in a Bill to that purpose. It grows late.

Mr. Secretary. All Colonel Terrill's arguments went against the other House, in answer to a learned Serjeant's speech. I shall not mention that now. I shall come as near the question as I can, where it pinches.

The Union, I perceive, is agreed on by all. The ordinance, in 54, to send thirty members from Scotland, was confirmed in 56. That Parliament, in 56, styled themselves knights, citizens, &c. of the Commonwealth of England, Scotland, and Ireland, &c.

This Parliament, of necessity, must consist of members sent from each nation. The means are made as suitable to the Petition and Advice as could be. The Protector was bound to call a Parliament out of the three nations. He was guided by the Act of Union as to the number, and by former distributions as to the distribution. He found them in actual possession of it, two Parliaments before. He was sworn to maintain this right. He had broken his oath, and turned them out of this liberty, if he had not done this. Should his Highness put any doubt in this, his safest way was to send his writs according to foundations before laid. Else, in so great a case, he had seemed to rob them of their right. They are before you. Put the question to continue them.

Mr. Skipwith. *Id facimus, quod jure facimus.*

I would have them united according to a foundation of law, that it might be unquestionable. Again, union gives not a right to send members. Wales sent no members, though they were united in 12 Edward I. till Henry VIII.

* *Scobell*, p. 295. † *Ibid.* p. 293.

I make a question whether they think themselves well represented by persons chosen from hence, that never saw Scotland, but in a map. Is this for Union? I question whether thirty members for them be enough.

I conceive there is no record before you of that Union. You should repeat the Ordinance* itself.

Serjeant Maynard. It argues such a thing in being, by saying it shall be in force. I cannot come and dispute this in Westminster-hall. If the Protector had done it out of design to out-vote you, he would have put more.† I would have no such thing spoken without evidence.

Colonel Terrill was rising up to explain; but the Chair told him he could not explain till the Chair called him.

Serjeant Maynard. We cannot, in leagues and contracts between nations and nations, impose upon one another. It is *jus gentium* must determine it. This Act of Union passes it out of our power to alter it. It is passed and confirmed by both nations.

I shall not, one way, nor other, dispute upon what foot you stand. Admit, if you should question this, whether may not they say, but a hundred members are reasonable for you. You call them a free people, and yet will let them neither have a Parliament at home, nor have liberty to sit here. You make laws to bind that nation. You cannot bind them, but by that Act of Union.

Either you had a power to make laws for that nation, or you had none. How, then, can the laws touching taxes and the like bound them, if they have no representatives? I understand not how this can be answered.

As God has united us by situation and by the law, why should we endeavour thus to break it? Edward I. had reduced a great part of that nation. He did not own them as a con-

* See *supra*, p. 113, *note* §.

† Yet, according to Mr. Bethel, the number was sufficient; for, "by the help of the Scotch and Irish votes, all questions were carried in favour of the Court." *Brief Narrative*, p. 351.

quest, but claimed part of that nation as his own. He sent for Burgesses from thence to Parliament.*

If you turn them out, do you not then judge that the Act of Union is not a law? Can they take it otherwise? Is it not a tacit admission, when you make laws, with them, to lay taxes on them? You do, at least, admit them to be members with you.

What shall the world say of you? What will the consequence be? What will it draw upon you, to overturn all these things for want of form?

Both for justice and conscience, honour and safety, to avoid inconveniences; put the question, "That they be continued," &c.

Resolved, that the House be adjourned until two of the clock this afternoon.

Afternoon at half-past three.

Mr. Gewen. I honour the Scotch nation, but find no law, justice, nor right reason, why they should sit here. The argument for conveniency is no more to me than that for our fathers' polygamy, *vitium temporis, non vitium hominis.*

They were united to us when we were a Commonwealth. I doubt now that that Commonwealth is gone, it ceases to be an Union.

It is not for the honour of the English nation to have foreigners to come and have a power in the legislature. They are but provinces, at best. In justice, you ought not to admit any other to have an equal power with your own nation. I remember what an inconveniency it was to have so many bishops; so many votes for the king; so many votes to comply with the Chief Magistrate. *Res loquitur.*

I move to put the question, whether they have a right to sit with us.

Dr. Loftus. (Ireland.)

I have not tasted of the waters of Meribah † to be conten-

* Referring, probably to Berwick.

† *Exod.* xvii. 7.

tious, but hearing those reflections upon these nations, I cannot be silent.

He was taken down.

Mr. Weaver said, we ought not to hear him.

Sir Arthur Haslerigge and *Mr. Knightley* moved, that Dr. Loftus might take him down if he saw him run into extravagancy.

Sir Anthony Ashley Cooper. He ought to have been heard out. Let him go on, at the peril of a person's discretion that he keep himself to the orders of the House.

Dr. Loftus went on, and said, that there were a sort of people in the Lords' House, formerly, that went *ad nutum Regis*,* there are sixty now that vote *ad nutum protectoris.*

This is a high reflection. I pray that he may give satisfaction.

Mr. Higgons. It is for the honour of this nation to be incorporate with the Scots. There is no danger of carrying the Court thither.

The question is not now, whether the deputies for Scotland shall be admitted. They are admitted, already, but whether they shall be continued to sit.

He made a very florid speech, and told us how many ways the Spaniard did make them subject, that he conquered.

Serjeant Wylde. I find those gentlemen sometimes cry up things done by the Long Parliament, when they make for their turn, and again reject them when they do not. It was the most famous memorable Parliament that ever was, since *Magna Charta.*

The humble Petition and Advice is a very humble one indeed; a monstrous thing, a kind of Hydra's head. You have abolished kingship, and House of Lords. You have not abolished the laws.

He made a long chattering, and concluded against their sitting here.

Serjeant Seys. In the books there are an infinite number of

* At the nod of the king.

cases to show that the successor is always bound where the law is but personal. They that would advise that the word Highness does not bind successors, may have their deserts, as well as he that advised Henry VIII. to avoid *Magna Charta*, because he was under age.

The divine, on the fast-day,* told us, if we were always planting a tree, it would never grow. My motion is, that they may continue, &c.

Sir Richard Temple. I speak without prejudice either to the Union or the worthy persons sent.

I am not satisfied with the Act of Union. What was objected is not so clearly answered. For the House to confirm a record, of which they have no transcript, is strange. If you were to confirm an indenture, you would have a transcript, and on record here with you.

I find not by the Petition and Advice that either his late or his present Highness has power to call Parliaments from the three nations. There is something in that paragraph rather that he shall not call them out of the three nations, but as often as the affair of the nation shall require, not nations. Laws of the land shall be observed, not laws of the lands. I confess, in the fourth paragraph, there is a kind of implication that the distribution be for England, Scotland, and Ireland. These are not of constitution, but those words are.

I will show you how they may be a Parliament of England, Scotland, and Ireland, and yet have no members from thence.

Commonwealth and kingdom are synonymous. I instance in Wales. The Parliament of England made laws for Wales, after it was incorporated, before they had any members. The like, when our kings had foreign dominions in France, Aquitaine, and now Jersey and Guernsey. They made laws for them here. I take Wales and Scotland to be all one.

He was at a *non ultra*, and was turning his book, and they called, go on.

Lord Lambert moved that he might not be disturbed. In the mean time he got his eyes into his books, and went on.

* See vol. iii. p. 66, 67.

Sir Richard Temple. That *Repetitus Actus*, or possession, on which they insist, does naturalize their distribution.

If this Parliament should say they will lay a tax upon this nation in such manner as shall after be agreed on, the Parliament rises, *re infecta*. There is no distribution agreed on. If it be in the Protector's power to distribute* as he pleases, he may lay it upon one country. They never had possession, since the Act of Union. Unless you admit them now, they never have had any possession. If the Protector had been successive and hereditary, I see not but the case might be otherwise.

The *Actum Wallia* distributes the members, though it leaves the writ at large.

There being such distribution, nought but an Act of Parliament, and an Act of the Parliament of England, can do it.

As to the second objection, *ab incommodo*, from a breach of Union, there is no such matter. Does it vitiate any of your proceedings, more than admitting two members for Higham Ferrars?†

I am humbly of opinion, that by law they have yet no foundation. I pray they may be suspended, till they have; and when the Act comes in I shall give my consent.

Mr. Godfrey. It passes my understanding, to know how a law made by one nation shall bind another nation. This sounds to me, as much as that you will neither allow them a Parliament here, nor at home.

No doubt, the gentleman that last spoke, had well digested cases of precedent. I have not so good a memory as to mention them all; but if that worthy gentleman may please to remember that some of them have been long since answered, viz. that of Wales. Wales, it was told you, was made part of England. It was not the Commonwealth of England and Wales. This is the Commonwealth of England, Scotland, and Ireland. It was one part of the agreement with that nation, that there should be an Union. It is said, there was no Union till the last Parliament, and no possession till this

* The elective franchise.

† See vol. iii. p. 203.

Parliament. By that very admission, they have a possession. The precedent is not so dangerous. As to that of laying taxes, the case differs.

The honour and justice of a Parliament is engaged, that they shall have the fruit of what they now have a possession. It proposes an impossibility, that they should be shut out, till an Act of Parliament call them in. This is to set them aside. I would have the question put, that they shall be continued.

Mr. Knightley. Though I am not satisfied fully of their legal right, yet in their equitable right I am not against their admission. They have an article for their title. No indenture nor decree outs an equitable title.

Cui conceditur aliquid, omnia necessaria concedentur, was well moved by a learned gentleman of that country.* If I grant you twenty trees out of my wood, if I make you not a gate, you will make a gap. We must do like prudent men, not as counsel at the bar to plead, but to advise. It is no dishonour to them, that we have brought them into question. If you please, put the question for their continuance, I shall give my yea to it.

Mr. Gott. There are three rights, possessory, political, and legal.

We were afraid to transact with the Lords, because we were afraid to own them. We have transacted with these, and yet we have not owned them.

For the political right. If it be political that they should be united, it is also so that they should have a part of legislature with us.

We are stopped by our oaths, and the Lord Protector is also stopped by our Act of Union, and by our Act of Recognition. We cannot alter the Union. All the parts of the Commonwealth ought to contribute to the legislature.

The four seas do environ this happy island, as the four rivers did the garden of Eden.

Queen Elizabeth made way for it.† They always declared

* See *supra*, p. 125.

† The Union.

she kept her virginity purposely to bring forth such a happy first-born.* King James endeavoured.† This Union must be preserved by natural means, and not by force. This is the natural way to preserve them in our bosom, by that happy accession of them to our legislature.

This has been one occasion of the great tumults in Ireland, that we have not till now taken them into our legislature.

As to the legal right. The Declarations, Act of Union, and Petition and Advice, have been so fully spoken to, both by members for that nation and our own nation, that I can add nought to that. What is objected against it is but as the Tweed, which a man may easily wade through.

It is agreed that Berwick is a part of Scotland; and we have members sitting here for Berwick.§ Let us not do what our posterities may for ever repent. I should thus far

* It appears that this Queen's chastity was deemed by some of her contemporaries, as problematical as, according to *Camden*, (See vol. iii. p. 485, *note*,) was her sincere devotion to the Protestant faith.

"That she had a son," says *Osborn*, "bred in the state of Venice, and a daughter, I know not where nor when, with other strange tales, that went on her, I neglect to insert, as fitter for a romance, than to mingle with so much truth and integrity as I profess." *Works*, (1673,) p. 442.

The succession of James is to be attributed, much more probably, to the intrigues of the first Earl of Salisbury, than to the Queen's abstinence from marriage, with the design of thus promoting a Union. See "The Secret Correspondence of Sir Robert Cecil, with James VI. King of Scotland. First published 1766," by Sir David Dalrymple. Of this correspondence, Arthur Wilson relates the following amusing anecdote:

"As the Queen was taking the air upon Blackheath, near Greenwich, a post riding by, her Majesty inquired from whence it came; and being told from Scotland, she stopped her coach to receive the packet. Sir Robert Cecil, who was in the coach with her, fearful lest some of his secret conveyances should be discovered; having a ready wit, calls for a knife suddenly to open it, that delays and puts-off might not beget suspicion. When he came to cut it open, he told the Queen, it looked and smelt very ill, coming out of many nasty budgets; so that it was proper to open and air it before she saw what it contained. Now, the Queen having an extreme aversion to ill-scents, that sudden thought of the Secretary's hindered her from smelling out his underhand contrivances." *Biog. Brit.* (1784,) iii. 405.

† The Union. See *supra*, p. 103.

§ *Ibid.* p. 130.

consent that an act may be brought in, if it be but declaratory. My motion is to continue their sitting.

Mr. Scot. Which of us have said, (unless one,) that the Union is not desirable? It is not so voluntary on their part. Are you not forced to maintain it with an army at 11,000*l. per mensem*? It is hearty, it seems, on one side. We sent our own commissioners to invite them to an Union.

They claim their title from Edward I.* Haply those were sent for from Scotland to treat, but none makes it out that it was to have part in the legislature. Edward the First's title and practice is no rule to you.

All the constitution of England, I perceive, is built upon intentions now. Another House, upon intention of another House, and his Highness must prosecute this intention. The like for the distribution of those members. What sit you for, if another must supply your laws by his own implication? If you rise *re infecta*, whose fault is it?

Possession and intention is all that the Chief Magistrate or the other House has. The like title is this now claimed. It was told you if this be not admitted, Major-generals will come, or you must fight for the other House after.†

I would have us give them a title irrefragable, a coalition, indeed, when it has had your sanction. Till then, they are not united to you. Till then, they are a wooden leg‡ tied to a natural body.

We use not those words expel, eject, or the like. This is like putting one in a bear's skin and then baiting him.§ If I let another man set dung upon my land, shall this carry away a title to my land. By this possession, all they have is but a single constitution by implication from this House, and by exemption of the single person. This may be done by declaring you need no concurrence of another House. If you please, you may take the concurrence of the Chief Magistrate.

He reflected upon his Highness that is gone.

* See *supra*, pp. 100, 129, 130.

† See *ibid.* p. 35.

‡ See *ibid.* p. 57, *ad fin.*

§ See vol. iii. p. 533, *note.*

Serjeant Maynard. I would have these reflections spared.

Colonel Whetham. We can judge of none but by their submission, their protestation. I cannot look into their hearts. I know they desire union as much as may be. I would have these reflections spared. I have occasion to know their nature by an employment * too honourable for me, that his Highness has been pleased to give me there.

Sir John Lenthall. That nation has had as free a Parliament as ever we had, amongst themselves.† All their fault is submission to us and our laws. We may very well allow them a *yea*, and a *no*, in making laws for us. If you should shut them out, they go home and tell their neighbours. May not they, by the law of nature, take a power to call a Parliament of their own? I speak as well for Ireland.

The Spaniards have made great advantages upon the temper of the Irish; and Scotland is apt, to invade.

If every unhappiness of ours must be theirs, while they are incorporated with us, my motion is, that you would spare such reflections for the future.

Mr. Ross. (Scottish.) It may be thought strange that I should speak in a matter of this nature. But that the nation is concerned, I should hold my peace. That which called me up is to supply what the worthy person in the corner omitted. (Mr. Scot.) It was said, that all our affection to England was shown in 40. I suppose we owned it in 43. I suppose those acts are not out of mind. It is said our affections to another nation, to France, have been more expansive.

We are not to judge hearts. We expected not this language when we came. I shall not mention the consequence, what may happen, upon the prudential account, after so long possession, if this right, which we legally possess by the Union, be denied.

We are called Pharisees and hypocrites. I am sure I find none of that language in the declaration of 43;‡ there is nought there but your dear brethren. I hope we have not

* "One of his Highness's Council."

† Yet see "The Way of Scotland," vol. ii. p. 47.

‡ See vol. ii. p. 214 *note**.

lost that title by our union with you. It is excepted, that we send not natives but English. It is a good sign that we reap the fruit of our union, when we can trust one another.

We have an affection for this nation. You have won our affection, not by the dint of your swords; but that worthy person, General Monk, to his honour be it spoken, and those worthy officers amongst us, have won our affections.* We are not so senseless as not to know better what is for our good, than to bear a greater affection for another nation than this.

We are said † to know no more but *yea* and *no*. I confess I am not able to contribute much to your debate; but I hope we are more than ciphers.

One gentleman complimented with us, and told us, that of civility and modesty we should withdraw. A noble knight in the corner ‡ made us a rhetorical speech to that purpose. For my part, it is not the rhetoric of the one nor of the other that shall compliment me out of doors. I think myself at home when I am here.

It was dark and I could not write any farther. He concluded his motion, that reflections for the future might be spared.

Divers stood up to speak. Some moved for candles; others to adjourn. There was a great noise and horrid confusion.

Mr. Young compared it to a cockpit.

Dr. Clarges excepted against him, as using unparliamentary language.

Sir Arthur Haslerigge justified him.

This confused noise held for an hour, and doctors differed on the orders of the House, whether a candle should be brought to the table. It was brought thither, and carried to the table, *per* Mr. Speaker's command, and then set in the midst of the floor.

Mr. Speaker forced through a question for candles, many standing up in the mean time.

The question was put that candles be now brought in.

* See vol. iii. pp. 325, 369, *notes*. † *supra*, p. 87. ‡ See *ibid.* p. 105.

Mr. Speaker declared for the *Yeas*.

Sir Arthur Haslerigge declared for the *Noes*.

The House was divided. The *Yeas* went forth.

Yeas 148. Colonel Grosvenor and Colonel Fielder, Tellers.

Noes 160. Sir Richard Temple and Colonel Mildmay, Tellers.

So the question passed in the negative.

Resolved, that this debate concerning the sitting of the members returned for Scotland, be adjourned until to-morrow morning at eight of the clock, and that the same be than proceeded in; and that nothing else do then intervene.

The House rose at seven.

Sir Henry Vane. We are not able to hold out sitting thus in the night.

Sir Henry Ingoldsby. He might well be spared.

Some excepted against that expression; but it was late.

Saturday, March 12, 1658-9.

Mr. Speaker took the chair, half hour after nine.

Prayers *per* Mr. Cooper.

Mr. Weaver. I move that the pay of the army be considered. Otherwise, sad consequences may ensue.*

Colonel West and *Colonel Okey* seconded it.

Colonel Clark. I move, that it be considered on Tuesday morning next.

It was moved that 60,000*l.*, raised out of the excise, might be paid over to the Commissioners of the army.

Colonel Fielder. If it be a matter of never such necessity, it is against the order of your House to interpose aught. You have declared, in what concerns your constitution, you will let nought thrust it out.

Sir John Northcote. There can be no greater matter than this, which is now offered you. It is a strange doctrine, that

* See vol. ii. p. 366, *note*.

if our being and safety be concerned, all other things must not stay.

Sir Anthony Ashley Cooper seconded.

Mr. Knightley. Appoint it on Monday; for on Tuesday divers members are invited to the council.

Sir Henry Vane. Your army are not able to move from quarter to quarter for want of money. How they are paid, I know not. Their pay is provided till Ladyday. You sit so late, that your Committee of Inspections cannot attend. They will be ready for you by the latter end of next week.

Mr. Scawen. I move to let it alone, till the Report from your Committee come in.

Lieutenant-general Ludlow. It is the endeavour abroad, to put the soldiers upon free quarter, and to levy money some other way. I doubt they cannot stay till the report come in.

Captain Baynes. If you will but assign the 60,000*l.* due from the Farmers of Excise in London, it will serve for the present.

Mr. Neville. I wonder how so much money being every way levied, should not be employed upon the most necessary work in the world. The army are your children, and the people are your children. You ought to take care of them. If you please, order three months' pay beforehand. It cannot be better employed.

Colonel Clark. Your Farmers of Excise are best part of 100,000*l.* behind, and, if you drive it long, they will make it their advantage to break with you.

Captain Stone. I know this to be true. It is not your vote, to order them forthwith to pay, will do it. The Commissioners have proceeded so far, and have given orders to sequester their estates. If you do not this, nought will do it. Some farmers, especially in the country, are 10,000*l.* behind.

Mr. Bulkeley. You render them but *legem talionis* if you put them to the greatest extremity. They spare nobody. To seize both persons and estates is little enough for them. They take advantage of your unsettled condition.

Colonel Birch. If you put them upon sequestration of persons and estates, it will be the readiest way.

Lord Lambert. I would lash any man that drives his own ends and looks only on that, and would do any thing for it. I look upon an exciseman to be one of those; but I doubt, instead of lashing the farmers, you will lash those that pay the duty, the brewers, &c. I would not be too hasty in sequestration, nor to confirm those Commissioners that are not settled by Act of Parliament.

Mr. Turner and *Mr. Trevor.* This sequestration extends not to those that pay the duty, but to them that are farmers. They will spare none. I would have no delay in it.

Sir Henry Vane. Make an order that those in London pay in their arrears by Wednesday next, and those in the country within fourteen days at farthest, under pain of sequestration. By this means they are not surprised.

Mr. Raleigh. I second that motion. Many of them are pitiful fellows, and deserve all extremity.

Mr. Bampfield. I move against the word "sequestration."

Mr. Bodurda. I move that this be added: "to the end the same may be employed for the speedy pay of the army."

Captain Baynes. I move that the word "sequestration" be in, but make your order that they be severely punished, and proceeded against according to law.

Mr. Annesley. I am against any new word or new way. Instead of the word "sequestration," which is a new word, yet well known, I would have the word "seizure," which the law knows; the Exchequer knows. I am against all extraordinary ways of bringing in money. It is ordinary to be in debt to the Commonwealth.

Mr. Scawen. This is no new remedy. Sequestration was the ordinary course, and a law for it; which the Commissioners of Appeals ought to enforce.

Ordered, that the respective Commissioners, Sub-Commissioners, and Farmers of the Excise, for the cities of London, and counties of Middlesex and Surrey, and within twenty miles of London, that have any monies in their hands, be-

longing to the Commonwealth, or due and owing by them, or any of them, by contract or otherwise, do pay in all such monies into the respective Treasuries, where the same ought to be paid, by Wednesday next: and that all other, the said Sub-Commissioners and Farmers, in the several counties above twenty miles distant from London, do pay in all such monies as aforesaid, as are due and owing from them or any of them, respectively, by the end of fourteen days, from this day, upon pain of sequestration, and seizure of the respective estates, real and personal, of them, and every of them, and of their securities, respectively, making default, and of such other proceedings as this House shall appoint, to the end the same may be employed for the more speedy supply of the present necessities of the Army and Navy.

Mr. Bodurda and *Captain Baynes* moved that this order be printed and published.

Ordered farther, that the Commissioners for Sequestration should, upon certificate from the Commissioners of Appeals, proceed, upon their default, to sequestration of the Farmers, &c. and their security.

Mr. Annesley and *Mr. Neville* moved to add, the Commissioners appointed by law, or by Act of Parliament. To other Commissioners they could not consent.

Sir James Harrington. I would have you tender of the properties of the people. Upon any pretence soever, let no man's property be touched, but by a law of this House. I perceive there is a Commission under the Great Seal to sequester men's properties. I would not have us to countenance this, or aught against law.

Mr. Wharton. I believe there is a quorum of these Commissioners appointed by Act of Parliament.

Mr. Neville. Some were added by the Little Parliament. There is only alive Moyer, Bernard, and Molins. There were eight.

Colonel White. I move to leave out the word "sequestration," and put in some other word of terror.

Mr. Speaker. It is ordered, already, that they be seques-

tered. That which is now in debate is the additional order, and what Commissioners shall execute this.

Mr. Godfrey and *Lord Lambert.* The first order was never put to the question.

Colonel Birch, Mr. Speaker, and others. The question was put.

Colonel Salmon moved that it be printed and published.

Colonel White. I move to enter this: that it should not be put in execution by any Commissioners, but such as are appointed by law.

Sir Henry Vane moved, and it was

Ordered, that it be referred to the Commissioners of Appeals for the excise to take care that the respective Commissioners, Sub-Commissioners, and Farmers of the Excise may have notice of this order: and the care hereof is more especially referred to Captain Stone.

This debate held till almost eleven.

The order of the day was read.

Serjeant Waller. The question is, whether the members for Scotland sit by law.

It was said the Act of Union was only by an order, and no record of it here. It is agreed on all hands, that if the order were here, it were good enough. The order was notoriously enough published when the Act was made. I suppose it was seen here. An Act of Parliament may confirm a deed of feoffment by a copy. Statutes confirm the customs of London, whereof divers are not so much as in writing.

Again, it is said, the Union determined with the Commonwealth. I suppose the Commonwealth continues while his Highness continues, for he is Protector of the Commonwealth.

Sir James Harrington. You are upon a great business. The *magnalia* of your constitution is, to admit members here upon right grounds. Your structure must be built upon good materials.

Here are arguments prudential, political, equitable, and legal. That of prudence is from the excellency of union. All that is argued from that order of the council, con-

firmed here, is not solemn enough without an additional act.

As to political reasons. If these gentlemen should not be admitted, it may look abroad like a breach. I hope it will be rather to strengthen them than to diminish the Union.

Again, it is but just and equal that they should be represented, some way or other, if it be not equal. I wish it were done more equal; but let it be upon just and equal grounds.

As to the legal argument. There is nought urged but what arises by implication. It is said they have a being by a law, and the law appoints a mean to that end. The Petition and Advice did not think so, for they intended there should have been a distribution. If that House had sat, those worthy gentlemen had had no dispute at all.

If it be so, that there be no law; if the Chief Magistrate and Commissioners of the Seal may send what members they please, how just this balance is, let any judge. The Commonwealth will not bear this.

I doubt not, I hear well of him, that he will be a protector indeed to the Commonwealth.

Suffer no such precedent as may make a flaw in your foundation. That is dangerous.

As to that of their faithfulness. When your general went into Scotland, there was not a regiment nor a brigade to join with you. All joined against you. I may say they were then your enemies. The poor Long Parliament were instruments that God pleased to honour. Their army brought them to that Union that they now are under. They might have made them tributary provinces; but they gave them their swords again, to the honour of that Parliament be it spoken.

I see no grounds from prudence, policy, equity, nor law, for their sitting, neither by the Long Parliament nor by any other Parliament; not but that there is an Union.

Seeing then, it is for your safety, and that all be satisfied

with your ingenuity, let there be an act brought in, to confirm them. Let a Committee do it with all speed.

Another part of my motion is, that they be suspended, in the mean time, from sitting; not but the persons are honourable and worthy, and fit persons.

Mr. Hewley. The gentleman that spoke last, has spoke against their sitting, upon four grounds.

That the Petition and Advice is a law, is sufficiently answered; nor is the Act of Union much disputed. I shall say something to the distribution, which has not been observed. Now if this distribution had been agreed on, the number had not been questioned.

The distribution concerns us not. There is no complaint to us. The people of Scotland seem satisfied with it. What has been urged has been fully answered. I agree that the word Highness is personal in the first article, but not so in the other paragraphs. That extends to succession.

Wales was only a dominion, and not as Scotland.

We are now all one body; Irish are natives here, and have all one soul. *Lex est anima Reipublicæ.*

It is not prudent nor safe to turn them out of this House.

We are one clod of earth. Neptune kisses our shore on every side. We are as in a cock-boat. We swim securely while we do not divide. This will be such a division as that of Polinus. He would divide the ships by cutting them in halves, and made them useless.

One argument was, that we are laying the foundation of slavery. I hope we are doing no such thing. They have lives and estates to lose, as well as we.

True, we have an army with them, and so we have here, and cannot be without it. If we have debates here, we may well believe, that we have enemies abroad and at home; Hannibal *ad portus*, Charles Stuart. If the sword be sheathed, we had need keep our hands on the hilt.

My motion is, that you do nought to break this union. Put the question for their continuing with us, and I shall give my hearty *yea* to it.

Major Horseman. All ordinances not confirmed by that act were void. This distribution is made according to an ordinance that is not confirmed.

He ended with a motion, that he would have no question put. He was very short, trembling, and to no great purpose.

Mr. Jenkinson. The question before you is, whether those persons have a law to sit here.

Put the case. If burgesses that sit for Edinburgh should be questioned by what law, prescription, custom, or charter, they claim, but by the Act of Union; that is, for Scotland to send thirty, but no law for Edinburgh to send two. If you should grant the city of London to send four members, can they agree so many wards to send so many, and such wards so many? They cannot. No more can Scotland distribute.

It is inconvenient for Scotland to meet together to do this; but it is not impossible. The like is for Yorkshire; so that they have a means to attain that end. You have adjudged that if a whole borough have a right to choose, no new incorporation can come in for a share.

It is said, that they sat by this distribution, two Parliaments. Granted. That was by an Instrument of Government, and they pursued that distribution. It is clear that was not confirmed nor allowed of, last Parliament; because they intended another distribution.

If this nation intend to bear part in your legislature, certainly they will be judged by your law; so that the distribution, or aught else, cannot be ruled by their law.

Here was a law intended for their distribution, but we cannot call it a law, till it be perfect.

Appoint a Committee to bring in a Bill, with all speed. In the mean time, I cannot consent that they should sit, upon the point of conveniency only.

Major Beake. As by your vote you may suspend a law; so you may make a law, no law.

The enumeration is lame. There is a law for the distribution, thirty members. In the law for the sabbath, to levy the penalty, the law supplies the means, *viz.* by indictment, and so the penalty shall be levied.

The best thing that I have to offer is, the right of the single person. Wherever he sends his writ, the persons ought to come. I take this to be a solid reason. When had we, any of us, this foundation? Where is the stipulation or contract between him and the people, that a county shall send two, and a borough so many.

I have met with charges against the King for sending letters to get persons chosen, but his power to send his writ into any part of his dominions, was never disputed.

Mr. Bayles. I have observed a great attention, formerly, to this debate, and this day a great noise that we cannot hear one another. It is a sign either men are well satisfied with it———.

Mr. Disbrowe moved to adjourn for an hour.

Sir Henry Vane. If you put such a question to adjourn, say that you will not sit in that confusion, not beyond six o'clock.

Serjeant Maynard. It is not parliamentary to limit yourselves to an hour.

Mr. Disbrowe. You have been three days upon it. It hears ill abroad. It is gone almost all England over, and by this night's post it will be in Scotland. What consequence it may be of, that their members are called in question, I leave it to you to judge.

Mr. Knightley. I hope those gentlemen will, in modesty, withdraw. They ought to withdraw. My motion is now that they may withdraw.

Mr. Lockyer. I shall not now dip into the merits of this business. You report what is represented. If you please, adjourn for an hour; otherwise I shall reply to the new question.

Mr. Chaloner moved to adjourn till Monday.

Colonel Birch. The first question is to adjourn for an hour.

Sir Henry Vane. The question for the greater time should be first put. Those that are for Monday are for an hour. The greater includes the lesser.

Resolved, that this debate be adjourned until Monday morning next, and that nothing else do then intervene.

Mr. Bodurda. There is a thin House. I would have all the members in town to attend.

Sir Henry Vane. No question can be put after that for adjournment.

The House rose, at almost one.

The Committee of Privileges sat upon Packer and Cooper's election. It went against Packer by almost twenty votes. I was not there.

It seems Colonel Fielder's election was questioned, and also Colonel Thompson's for Surrey. That was argued by six council at the bar. It will go hard with Thompson. It is touching the election for Southwark.

Query, what more was done. I had only intimation from Colonel Hacker.*

Monday, March 14, 1658-9.

Prayers.

Mr. Speaker† came to the chair: and being sat, acquainted the House with the great distemper and indisposition that was upon him, and that he was unable to sit and do the House any service at the present, and therefore humbly prayed that he might be dismissed from the chair.

* "Whitehall, Mar. 12. This day, the most noble Lord, Edward Lord Montague, went hence by water to the Hope, where the *Naseby* frigate waited to receive him; and from thence his Lordship intends to set sail with the first wind, to the place appointed for the rendezvous of the fleet, with which he will shortly put forth to sea." *Mercurius Politicus*, No. 558, p. 295.

Lord Montague was soon to proceed, in the *Naseby*, on another expedition, and to return with a precious freight. (See vol. ii. p. 459 *note**.) "Unhappy Dryden," that "tuneful spendthrift," who lavished, as *Mason* remarks, the "courtly dew" of his adulation

"On titled Rhymers, and inglorious Kings,"

and, as directed by "fear or interest," whose venal laurels

"Now grace a Cromwell's, now a Charles's brows,"

has celebrated, in *Astræa Redux*, the auspicious event; when

"The *Naseby*, now no longer England's shame,
But better to be lost in *Charles* his name,
Receives her Lord."

† Blank in the MS., which I supply from the *Journals*.

Resolved, that the House be adjourned until Wednesday morning next, and that notwithstanding the adjournment of the House, the several Committees of the House do meet and sit for the despatch of the affairs referred to, and depending before them respectively.

Wednesday, March 16, 1658-9.

Prayers by Mr. Cooper, but Mr. Speaker being very sick, could not attend, so the mace came in alone.*

Sir Arthur Haslerigge. I move that Mr. Reynell be called to the chair.

Mr. Reynell. I am both sorry and ashamed that you should fix upon me. There is a worthy countryman of mine much fitter, viz. Mr. Bampfield.

Mr. Mussenden. I move for Mr. Goodwin.

Sir Arthur Haslerigge. I do not repent me of my first choice; but the first named does not always carry it. I therefore second the motion for Mr. Bampfield.

It was moved and observed that divers members were absent to avoid the chair; therefore we must take such as we have.

Sir William Wheeler moved for Mr. Nathaniel Bacon who was at the door; but Mr. Bampfield was called upon, and Sir John Copplestone and Sir Arthur Haslerigge went to his seat to lead him to the chair. He made his apology, but was at last brought to the chair.

Ordered, that Mr. Bampfield do supply the place till Mr.

* "The members being met in the House this morning, and Mr. Chaloner Chute, the Speaker, being as yet unable to attend the service of the House; and Sir Lislebone Long, who was appointed to supply the Speaker's place, during his indisposition and absence, and went from the House sick on Monday last, continuing still very weak; the several members, sitting in their places, considered of the choice of another of their members to take the chair, and supply the Speaker's place during his indisposition and absence." *Journals.*

Speaker Chaloner Chute recover his health, as see former vote.*

Colonel Okey and *Mr. Annesley* moved that Colonel Overton† be called in, and it was ordered accordingly.

Mr. Speaker moved to know what he should say to him when he came in.

Mr. Weaver. I move to send three or four of your members to your Speaker that is sick, to present the respects of this House, and see how he does. It was very well taken, and ordered accordingly.‡

Before the Speaker was chosen, it was moved that the mace might be sent into the Hall, to call the members; but it was said by the old members, your mace cannot go out.

Mr. Neville. If you find that Major-general Overton's business will ask debate, appoint a day for hearing it, and in the mean time, deliver him over to your own Serjeant.

Sir Arthur Haslerigge. I move to know of the prisoner the reason of his imprisonment.

Others said, you may receive the grounds of his imprisonment from his keeper; and the Governor of Jersey,§ being one of your members, may give an account of it to this House.

Major-general Overton and the Deputy Governor of Jersey being brought to the bar by the mace,

Mr. Speaker asked the Deputy Governor, if that gentleman was not his prisoner, and by whose warrant?

He said, by a warrant from his late Highness. It was called for, and brought up to the table. He said his name was Captain Yardley.

Mr. Speaker asked Major-general Overton, if he had any thing to say concerning his imprisonment.

* See *supra*, p. 92. † See *supra*, p. 120.

‡ "That the Lord Fairfax, Sir Anthony Ashley Cooper, Dr. Bathurst, and Mr. John Weaver, four of the members of this House, do, from this House, go unto and visit Mr. Speaker, Chaloner Chute; who, for the present, is, by reason of his sickness and indisposition of health, detained from attending the service of the Parliament." *Journals.*

§ Colonel Gibbons. See vol. iii. p. 49.

Major-general Overton.* I acknowledge it a great mercy of God, that after three years' imprisonment, succeeding fourteen years in your service, I am brought to the bar of this honourable House. As I have been in a suffering condition for four years, so I desire to be passive still. If I may hear the charge brought against me, I hope I shall give such answer to it, as shall satisfy and clear me from any former mistakes and misapprehensions concerning me. I hope I have not done any thing contrary to what I at first engaged, and fought for. I desire not to live or die but by the distributive justice of this House.

You are my judges, and I think it a great mercy that it is so; and, though I know nothing by myself, I hope I have done nought deserving death or bonds. Yet I will not justify myself.

I had better have been torn in pieces by wild horses, than have endured this great torment. That had been but for a moment. I most humbly leave myself, my cause, and condition, to this House; and desire, one way or other, to receive according as I have done.

Whereupon, by command of the House, the Deputy-governor and Major-general Overton withdrew, and the warrant was read, which was only to receive into the Governor's custody, him and Sir Thomas Armstrong, and another.†

Mr. Broughton. I never knew, nor saw the man. I have heard much of his goodness. There appears no cause of his imprisonment. He is a good man. Pray do not delay one hour, but give him that which was his due many years since, his enlargement.

* I have corrected and completed from the *Journals*, the report of this speech in the MS.

† "The warrant was signed *Oliver P.*, and directed to the Governor of the Isle of Jersey, or his deputy; and was in these words:—

"These are to will and require you, forthwith to receive into your charge, the bodies of Robert Overton, Esquire, Major Norwood, Sir Thomas Armstrong, and John Weston, Esquire; and them detain, under secure imprisonment, in the Castle, at Jersey, until you shall receive further orders from us: and for so doing, this shall be your warrant. Given at Whitehall, the 8th of January, 1655." *Journals.*

Mr. Bulkeley. Appoint a day to hear the whole business.

Mr. Neville. It appears by the date, that he has been three years a prisoner, by that warrant. I hope you will not stay a minute, when you see no ground of his imprisonment. You are the fountain of justice in a distributive sense.

Mr. Trevor. There are many of these cases, and divers. I would have no reflection upon times past. Others have been imprisoned, even members of this House, viz. Major-general Brown. There was *corpus*, but not *causa*. I would have all the matter before you, the original warrant, and appoint a day for hearing it.

Sir Arthur Haslerigge. I make a difference between times of war and seven years of peace. Such a warrant was never, since William came in. This was never done alone by the King. The King can do no wrong. I wonder we should stick a minute on this. Ah, Sir! there was never such a warrant came before the Long Parliament.

Experience tells us it is time to bound the single person. It concerns you not to hunt after matter. The warrant is in the single person. If he had been alive, I should have said something; but he is dead. I shall say no more. If we perish, let us perish by laws, and not by arbitrary power. Declare against the authority of a single person. If the Council had done it, we should know what to have said to it. He might have had a remedy: now he has none. You must release him, as he is an Englishman.

The warrant is illegal, because from a single person alone, and because there is no cause expressed. I hope you will do him right, and the people right, in releasing him.

Mr. St. Nicholas. I hope you will not add affliction to affliction. To be imprisoned by you, will be worse than the former. The original warrant is in Scotland, and must he stay till that come? I hope you will give him a speedy release.

Sir Henry Vane. You ought not to be accessory, to continue him in prison one moment. You find no cause in the warrant. There may be other causes, but they are not before you. The case is just, that you should give him reparation, and not content yourself barely with re-

leasing him. No person ought to keep a free man of England upon such a warrant, no cause being expressed. The case differs from that of a military person; for *inter arma silent leges.* Release him, and refer his case to the Committee of Grievances, and command him to attend; and no doubt but he will attend.

Major Knight. I moved that Lord Lambert, and Judge Advocate Whalley, give an account of his imprisonment. Haply they know more.

Colonel White. That business is not before you now. I would have him released forthwith.

Mr. Starkey. I take the law to be clear, that the King cannot commit in his single person, and that the cause ought to be expressed in the warrant. Are not the people fit to have possession of their liberties, that we may make continual claim to them?

I move that you declare the warrant illegal and unjust, and that he ought to be released.

Mr. Bristow and *Sir William Wyndham.* Others, in the same warrant, and elsewhere in the nation, upon the like warrant were imprisoned. You should also consider them.

Captain Baynes. You have now a military power mixed with your civil. The military act it all now. I hope you will take course about this. I would have him released, and that will be a means to prevent the Chief Magistrate from acting such things; and also all keepers from receiving prisoners without the cause.

Mr. Weaver. I move that the question be put only as to Major-general Overton. Armstrong is a dangerous person. His business is before the Committee of Grievances. There may be other grounds for committing the rest. Let it not be general.

Mr. Annesley seconded.

Colonel Morley. I move to do equal justice.

Mr. Boscawen. Give the devil his due. I would have it done so as to relieve such as are oppressed, and to deter such proceedings for the future.

Sir Henry Vane. To put this business off your hands, declare the warrant to be unjust and illegal, and that he be released.

Mr. Trevor. If the warrant be illegal as to one, it is so as to another.

Mr. Neville. It appears not before you, that there are no other grounds for their imprisonment.

Lord Falkland. There is more reason to declare the warrant illegal as to other gentlemen; for Major-general Overton might have been committed by the general as an under-officer.

Dr. Loftus. Declare that warrant illegal, as to Major-general Overton only.

Mr. Godfrey. I think the matter is not before you, unless you had the original cause of his imprisonment. The same ground is for all as for Major-general Overton. Therefore, I would have the vote pass for all in general. There is but one base for all.

Sir Arthur Haslerigge. I would not have you, hand over head, to deliver Irish rebels. It is not for your honour, which is dearer to me than my own life, if I know my own heart. This business of Major-general Overton's is only before you. Nought else before you requires your justice but his business.

Colonel Terrill. When this business is done, I have Sir Thomas Armstrong's report to offer to you; but I admit that the question ought to pass singly.

Sir Walter Earle. I move that Judge Advocate Whalley may declare the original ground of his imprisonment.

Judge Advocate Whalley. I perceive you are going to put a question which may be of a very dangerous consequence. We are now in peace. I pray God, we may never see wars again.

Major-general Overton was not committed upon a civil but a military account. You will lay all your officers in the army liable to actions. Plots were daily discovered. I saw a letter from the King to a great man of Scotland, to be ready to rise, &c. We committed him, but durst not set

forth the grounds, but would make further use of them. We must make use of persons in the very bosom of our enemies to give us intelligence. If we once discover the grounds, we destroy our intelligence.

I have often taken moss-troopers,* that had murthered your men. We durst not say we took them as murtherers, lest they should discover it to their fellows, before we had caught the rest.

Take heed how you discourage your army. If ever you have wars again, it may be of dangerous consequence.

Colonel West. Put the question as you have penned it. There is nought said of matter-of-fact against Major-general Overton.

Mr. Speaker reported the same.

Sir Arthur Haslerigge liked it well.

Judge Advocate Whalley. Seeing the question is to be put, I think myself bound to say further, as to matter of fact.

His late Highness sent me into Scotland. I found divers officers in prison, amongst the rest Major-general Overton. It was considered at the council of war. There was a letter showing dissatisfaction to the government, desiring all the officers to meet together. It was at an unseasonable time. We were in no good frame then. It was when Wagstaff† and Wildman's‡ businesses were in hand. I have brought the letter.

* "Robbers in the northern parts of Scotland." *Dict. Anglo-Brit.*

† Major-general Sir Joseph Wagstaff, Chief Commander of the Western insurrection for Charles Stuart, in March 1654-5. See vol. iii. p. 531, *note.*

‡ "February, 1654-5. Major John Wildman," says *Whitlock*, "was seized by a party of Major Butler's horse, and carried prisoner from Edninston near Faringdon, where he was taken, unto Chepstow Castle. They found him in his chamber, the door being open, leaning upon his elbow, and dictating to his man, who sat writing by him. They seized the papers. That which the man was writing was sent up to the Protector. It was thus entitled:

"The Declaration of the Free and well-affected People of England, now in arms, against the Tyrant, Oliver Cromwell, Esquire." *Memorials*, (1732,) p. 618.

"It was pretended," says *Ludlow*, "that he was taken, dictating to

in my pocket. We cashiered several of them, and sent some prisoners, as Major Brampston, for fear they should go abroad to infect the army. Upon examination of this matter, it was proved that Major-general Overton—I must do him right as well as wrong—(*altum risum.*) He saw the letter, and approved of it as a good letter, and a godly letter. Major-general Monk saw the letter.

I was commanded to peruse his papers. I found one letter sealed with silk and silver ribbon. It had no hand to it. The contents were that there was an intent to murder the Protector and Lord Lambert, and six others. I was sorry to find it.

Lord Lambert smiled.

Sir Arthur Haslerigge. I, and a great many more of us, were discontented at the dissolution of the Long Parliament. I was sent for by a pursuivant, but had the good luck not to be imprisoned. Major-general Overton was not then an army man, but as one of the people of England. I have observed that he was committed by the name of Robert Overton, Esq. I would have your question run so.

Dr. Clarges. The report in Scotland was very high against Major-general Overton, and that it was his Highness's indulgency not to try him by a court of war.

Mr. Chaloner. In time of peace, we ought not to talk of martial law. It was resolved in Lord Strafford's case, that he could not be tried by martial law.* Martial law was never

his servant a declaration for levying war against Oliver Cromwell. The citizens of London were made acquainted with it, and the Major brought to London by a guard of horse, and committed prisoner to the Tower." *Memoirs*, (1698,) ii. 533, 534.

* I cannot find that this mode of trial was ever contemplated. The Earl was first impeached by the Commons, who afterwards passed and presented to the Lords, a Bill of Attainder. See Thomas May, on the Earl of Strafford. Vol. ii. p. 443.

Cleveland, in an "Epitaph on the Earl," alluding to his versatile political life, and the dubious *legality* of his conviction, says:—

"Here lies wise and valiant dust,
Huddled up 'twixt fit and just;

used but in time of war, of open war, in the army, and upon soldiers only.

Colonel Matthews and *Mr. Jenkinson.* Your vote should hold forth the cause of your releasing him, viz. because the warrant was by the single person alone, and no cause shown.

Mr. Secretary. I move that, before your judgment, you would hear the whole matter.

The beginning of this was in time of war, and in a dangerous juncture of affairs. There were endeavours to engage a part of the army against the Government. Military men, in military times, do not so much consider form as matter. If the whole case were before you, I would have it referred to a Committee to examine the whole business. Or, if you think not fit to continue him in prison, let him be bailed.

Colonel Okey. There was no plot, not for four months before this gentleman was committed. The plot which they talked on, was of several officers dissatisfied with the breaking the Long Parliament. They chose rather to lay down their commissions than to act up to his designs; and though there came several trepanners from Whitehall, it pleased God to keep us upright.

Lieutenant-general Ludlow. If Mr. Secretary had been here at the beginning of the debate, he would have saved this motion; for it was moved that his whole case might be referred to the Committee of Grievances, as well as for his reparation.

Mr. Reynolds. In your vote, you must express the causes of your releasing him, and let it run not jointly, but severally, viz. that it was illegal as well for that it was done by his Highness singly, and no cause of commitment.

Mr. Sedgwick. It is below the honour of a Parliament to declare their reasons. It is enough for you to declare it illegal.

Mr. Sadler. I move to express four reasons. 1. That he

> Strafford, who was hurried hence
> 'Twixt treason and convenience:
> The prop and ruin of the state,
> The people's violent love and hate."
>
> *Poems, by J. C.* (1654,) pp. 62, 63.

is a commoner of England. 2. That it was done by the Chief Magistrate alone. 3. That the warrant expressed no cause. 4. That he was detained four years in prison without trial, and that it was without the reach of the law.*

Mr. Shaftoe. I would not have the mistake pass in this House that no *Habeas Corpus* lies to Jersey. The case of Berwick, 42 *Eliz.* and several other cases, show that it reaches any part of the dominions of the king.

I am against expressing the reasons of your vote. Every man, military and other, unless he be a Lord or a Peer, is a commoner of England.

Mr. Trevor. I move that the vote may extend to all the persons.

Mr. Bodurda. I second it, and to add the cause of your releasing him. The warrant is upon the single personal authority of the Chief Magistrate, and has no cause expressed in it.

Mr. Speaker offered the question with the causes.

Mr. Godfrey. I think it not below your honour at this time, to express them. I would have the rest of the persons added, and say it is also illegal as to them. The base of it runs so far. Your vote will necessarily draw you to it.

You are the great council of the kingdom, and ought to be impartial; you may sufficiently take notice of them in your vote.

Sir Anthony Ashley Cooper. I cannot agree with the addition. I would not only have the warrant voted illegal, but the causes expressed, that it may appear upon your books, which will not appear by the warrant. I would have it further added, as another cause, that he was sent where a *Habeas Corpus* will not reach.

I am clearly of opinion, and all the Long Robe at the

* "To prevent Major-general Overton," says *Ludlow*, "from the benefit of a *Habeas Corpus*, for which Cromwell was informed he intended to move, though he had no reason to allege why it should be denied him, yet he sent him in custody to Jersey, with the hazard of his life, and to the great prejudice of his estate." *Memoirs*, (1698,) ii. 533.

Committee of Grievances were of that opinion, that a *Habeas Corpus* lies not to Jersey. I would have a precedent. The case of Berwick differs much from it. They are part of England, and send burgesses hither.

Major Ashton. I move that you only relate to the matter before you. Let your premises be reconciled to your conclusion. *Ex veris prèmissis, sequitur vera conclusio.*

I move to set Major-general Overton at liberty; yet for the honour of him that is gone, that fought you into your liberties, that you would not *in terminis* reflect upon him, as by the words, illegal and unjust.

Sir Walter Earle. It is no reflection to say that which is illegal, is illegal.

Mr. Neville. Leave out the words the Isle of Jersey, or else let something in your vote express, that to send him thither is illegal.

Sir Arthur Haslerigge. One Glanvill, that sat in your chair, desired to know which way the Spanish fleet went. They told him he should know it, so they sent him secretary.

This is a great liberty for any commoner to be sent beyond sea without his cousent. I would have it provided against in this vote. Add it to the question, that he was sent to the Isle of Jersey.

Mr. Godfrey. I am against the last addition; for that it will imply he might have been sent to any other prison. It will lessen the former part of the question.

Sir John Lenthall. I move that it be expressed, as against the rights and liberties of the people.

The question was put in the affirmative.

Colonel Fielder. I move that the rest of the persons mentioned in the warrant be comprehended in the question.

Mr. Bernard. You cannot pass the question till you put the addition; it being all upon one ground.

Sir Henry Vane. This is but to cloak the question. I would have the other persons sent for afterwards.

Sir Walter Earle and *Mr. Baldwin* moved against the last addition.

Mr. Ross. I am glad to see such care taken for the release of the prisoners. I would have it extend to all, that it may be a jubilee to all.

Mr. ——— * (who called the Chair, Mr. Bampfield, as Sir Anthony Irby had done before him,) I move that all other persons in the warrant be included in your vote, and that the deputy be called in, to know if he have any other reason for detaining the rest.

Colonel Allured. I move to make a difference between those that have faithfully served you, and your enemies.

Mr. Scot. I am loth to put Overton and Armstrong together. I would not have them named in one day. The cases differ. They are of different principles. You cannot complicate them.

Lord Falkland. I would have no difference put between the free-born people of England; but do justice to all. But, if you please, put the question singly, and then put it for the other.

Mr. Higgons. An ill man may be illegally imprisoned.

Mr. Burton. I thought it had not been the temper of this House to put an honest man, and a knave, an Irish rebel together. That raises me up indeed.

News came in just now, by Colonel Matthews, that Sir Lislebone Long † is dead: at twelve o'clock.

Dr. Loftus. Ubi lex non distinguit, you will not distinguish. Yet, before you release any person, you will have him here at the bar.

Sir Richard Temple and *Colonel Thompson,* moved against the addition. The case of the other gentlemen is not before you.

Sir Anthony Irby. Never was such a thing brought into Parliament, to bring that before you which never was depending. It is clearly out of order to perplex the question.

Mr. Raleigh. Never was the like done before. In all the

* Blank in the MS.

† "A very sober discreet gentleman and a good lawyer." *Whitlock,* p. 676.

courts of Westminster-Hall, and in all cases, the persons were still brought, *cum causâ*

The question being put, "and others" being added, it passed in the negative.

It happened that, upon first putting the question, there was never an affirmative, and so it was the sense of the House that Mr. Speaker ought not to put it again; but two or three stood up and said, they gave their *yeas*, and though they were not heard to do it articulately, it was admitted that, by order of the House, the question ought to be put again, and it was put accordingly.

Resolved, that the commitment and detainer of Robert Overton, Esquire, as well because it is by a warrant under the hand of the Chief Magistrate alone, as because it is by a warrant, wherein there is no cause expressed, is illegal and unjust, and that he be discharged of his imprisonment.

Resolved, that Robert Overton, Esquire, be discharged of his imprisonment, without paying any fees.

It was moved, that to save time, the Governor might, at his coming in, be asked if there was any other cause of the imprisonment of the other persons, but it was waved.

Sir Henry Vane moved, that the report be received touching Armstrong.

Major-general Overton and the Deputy Governor of the Isle of Jersey were, by the command of the House, called in again; and the Serjeant standing by them at the bar, with the mace,

Mr. Speaker, by the command of the House, informed them, that the House had considered of Major-general Overton's imprisonment, and had ordered that he should be discharged without paying any fees; and that the Deputy-Governor was to take notice thereof.

The Deputy-Governor desired his warrant again.

Colonel Terrill offered his Report,* but it was justled out by another debate; even by those that before seemed most zealous for it, *viz.* Colonel Fielder.

* "From the Grand Committee of Grievances and Courts of Justice." *Journals.*

Mr. Neville suspects, now that he that was so zealous before, moves to wave it, that it was only to clog the other question.

Colonel Terrill made the report, which is very short, and offered it as the opinion of the Committee, that the Governor of the Isle of Jersey, or his Deputy, do bring Sir Thomas Armstrong, prisoner there, in safe custody to the Committee, with the cause of his imprisonment.

He further reported, that the Committee found, that divers commoners of England had, by illegal warrants, been committed to prison into the islands of Jersey, and other the islands belonging to this Commonwealth, out of the reach of an *Habeas Corpus*. And that it was their opinion, that the House should be moved to take it into their consideration, how this mischief may be redressed; and that an act might be prepared for that purpose.

I came away at almost one, being to dine at a club, with L. How and northern members. Query, what was done. †

* "Resolved, that this House doth agree with the Committee.

† "Ordered, that it be referred unto a Committee, to prepare, and bring in a Bill, upon the debate now had in the House, upon this Report from the Grand Committee. And the care hereof is referred to Mr. Serjeant Maynard.

"The House, taking notice, upon reading of the warrant for the commitment of Mr. Overton, that there were two other persons therein named, the Deputy-Governor of Jersey, Captain Richard Yardley, was again called in, and Mr. Speaker, by the command of the House, asked him, if Sir Thomas Armstrong, Major Norwood, and Mr. John Weston, were now prisoners in his custody, and by what warrant:

"To which the Deputy-Governor answered, 'That Sir Thomas Armstrong and Mr. Weston, were both now prisoners under his custody; that Major Norwood is at liberty, by virtue of an order of his Highness and his Council, brought to him in that behalf, at the same time when he received the order of this House for bringing over of Mr. Overton.

"'That Mr. Norwood had his liberty upon security also of 500*l.* entered into by him to his Highness the Lord Protector, conditioned that he do not come into England, without leave in that behalf first obtained; and that he do not act any thing, for the future, against the Commonwealth abroad.

"'And that he hath no other warrant or authority, besides the warrant delivered by him this day to the House, for the imprisonment or detainer of Sir Thomas Armstrong or Mr. Weston.'

"Resolved, that the Governor of the Isle of Jersey, or his Deputy,

It was moved to sit again afterwards, on the business of the Scotch members, but it would not be admitted.*

The Grand Committee of Grievances sat. Query, what done there. *Vid.* Diurnal.

Thursday, March 17, 1658-9.

I came late. It seems that several members being double chosen, did make their elections for which place they would serve, and new writs were ordered to be issued out accordingly. Query, *per* Diurnal, if ought else was done.†

The order of the day was read, touching admitting the right of the members for Scotland to sit.

I know not who had spoken to it, but I suppose it was but newly entered upon; and a gentleman told me, the gentleman that was speaking was the first that had spoken to that business.

Mr. Goodrick I found speaking in defence of the right of Scotch members.

The business now before you, is the greatest that ever was these five hundred years. As to recognizing his Highness, will you leave out Scotland? It is not just to bind them by any laws you make, if you exclude them here.

Prudence may dispense with a law. The Romans made it death to scale the walls of Rome; yet a citizen did it, and was justified and rewarded, it being for the safety of that city. (He cited the thirty-third chapter, the last chapter of the last Parliament.‡)

do forthwith bring, or cause to be brought, Mr. John Weston, now a prisoner there, in safe custody, to the bar of this House." *Journals.*

* "Ordered, that the debate concerning the sitting of the members returned for Scotland, and appointed, by former order, to have been proceeded in this day, be adjourned till to-morrow morning, at eight of the clock; and that the same be then taken up, and that nothing else do then intervene." *Ibid.*

† Nothing else appears on the *Journals.*

‡ See vol. ii. p. 309; *Scobell*, pt. ii. 515.

God has united. A curse belongs to them that separate. They were in possession last Parliament, pursuant to an agreement. I am more zealous in it because of my oath.

Mr. Weaver. I shall use no argument *pro* or *con.* The great argument is, that the Chief Magistrate having summoned members, it gives them a right. Admit this, and you pull up the people's liberties by the root. The sense of the House has exploded that.

Another reason offered to amuse the House is, that you break your Union: The Act of Union is not legal. The consequence may be dangerous, unless we should settle their right. There was one hundred and three at passing this law, fifty against it, and fifty-three for it,* as I hear. You have not so much as a record of that Union before you. There is no record of it.

It is said they have a possessory right. If they actually have, then any that come among you to see fashions, till they be discovered, may plead a right. Mr. King might have done so. Mr. Jones pleaded he had sat in one or two Parliaments; yet that did not admit him a right.† You made your claim the first day, when you entered on your book, a salvo for the rights and liberties of the people. The last Parliament, above one hundred and sixteen that had right to sit were cut off.‡ The Instrument of Government could not give them a right. In the Parliament, 1654, two hundred went out upon setting the bar, (*i. e.*) the recognition at the door. § There is not a word, in the Petition and Advice, to call members for Scotland. It only relates to a distribution to be agreed on, which was not done.

Again, the distribution relates to both Houses, and it appears not that all the thirty were to sit here.

I am glad to hear of any argument that brings over their affection. General Monk deserves the thanks of this House for it. I doubt, if you do not confirm their right, the Union will not last long. I believe no Englishman will say they have a legal right.

* See vol. ii. p. 119.

† See vol. iii. pp. 77, 233.

‡ See vol. i. p. 262, *note* ‡.

§ See vol. i. p. 273, *note* †.

I would have that to be your question, and when it is passing, I hope they will be so ingenuous as to withdraw, for the honour of the nation. It will be for good example. If they will not withdraw, they must be commanded.

Mr. Fowell. I hope you will not leave the question you have before you, that the members for Scotland shall continue. I am clear they ought to continue. They have a right, as it has been fully argued. There is nought in the Petition and Advice to invalidate it. If that go for a doctrine, that none ought to sit here but by Act of Parliament, above half your members must turn out. Those that serve for boroughs have only a right *per* charter. Unless you will allow them a Parliament of their own, you must let them sit here, to have their grievances heard.

The Act of Union is much more perfect than the Act of 27 Henry VIII. for Wales.* That names no counties, nor how they shall be chosen. Affirmative laws repeal no former laws. You exclude them from their greatest privilege. As to making laws, you cannot make a law without them. You must come to a new contract and agreement with them. This is *jus gentium*, that must rule it.

Parliaments can do miracles;† make infants of full age, make bastards legitimate, and aliens free born. Why may you not do so in this? If you wave these thirty votes, all that you have done this Parliament is void, and then you are melted into a Commonwealth again, or worse, if aught can be worse.

They surprised not us in the Union. We sent Commissioners to them. Consider the case of the Gibeonites. I doubt the curse of Saul's children,‡ if we break this league.

Colonel White. I would have the Union to be upon such sound good grounds as that after ages may not except. The interest is very considerable. That goes far, as to argument of prudence; but as to law, there is no foundation.

There is no distribution to guide the election. They may

* 1536. See *Parl. Hist.* (1762,) iii. 112.

† See vol. iii. p. 101 †.

‡ 2 *Sam.* xxi. 9.

as well be chosen all by one town, as in the way they are. They have no foundation at all; neither by Petition and Advice, nor any other law. I hope, on their own ingenuity, they will withdraw.

Mr. Cartwright. It is so much for your honour and advantage to have the Scotch fetch their laws at your doors, that if it can be made out, either by law or prudence, it ought to be admitted.

I shall wave the Petition and Advice, but insist upon it that the Act of Union gives them a right. The law never leaves a right, without a way to come by it.

The distribution was made before the two Houses were in being; so that it must be intended of this House only. Chester was a distinct principality of itself, and did not depend upon England. Scotland is now part of England, as to the purpose of Parliament, and laws of Parliament.

Reason, authority, laws, and practice are for it. There is no inconvenience in increasing them. *Lex non presumitur iniquo*, so that the Chief Magistrate may pack a Parliament. That must not be presumed.

The King called all the members of the Lords' House, which was more dangerous.

Hubbard's Reports, and Cook, 12 Report, says: "All that the King by his writ summons to Parliament, must come, or be amerced." It is agreed, that the King might call whom he pleased to the Parliament of England. If so, he might do the same for Scotland, there being no disagreement as to future, but only as to past.

Consider whether you be a Parliament. You are either a Parliament of England, Scotland, and Ireland, or you are no Parliament. Your Act of Union says you shall have thirty. If you want those thirty, you are not a Parliament.

It is for your honour to have them fetch their laws here; for your advantage to have the command of that nation. I therefore move, that the question be, that they continue in the House, and a Bill be prepared to confirm their right.

Mr. Grove and *Mr. Bodurda* moved to adjourn.

The House adjourned, at twelve, till two o'clock.

In the Afternoon.

Mr. Starkey. I cannot admit the Scotch members to have a right in law; but in prudence I admit it.

Mr. St. Nicholas. Arguments of prudence ought not to justle out law. If a man and woman cohabit together, admit there be a piece of a contract in it, and they have lived happily, though unhandsomely together, whether will it be prudence to let them live on in that manner upon the foot of that piece of a contract, rather than first to confirm and strengthen it, and then let them live together?

I hope, if they should be sent home, they would rather blame the defect of the law, than say that they were turned out of doors.

I have two motions: that they have no legal right; and that a Bill be forthwith brought in to confirm their election.

Mr. Gewen. I move that they withdraw, while the debate is in hand.

Mr. Disbrowe. Consider the Union, and the solemnity of it. It cannot be broken by one party; it being against the law of nature, of God, and men, and the law of nations. You have had much benefit by the Union. Scotland would never consent, in reason, to an Union, if their Parliaments were to be regulated by the common-law of England, which they did not know. If this Parliament had done it, they would never have questioned it. If another power did a good thing, why should we reject it? If the Act of Union be no law, then it is in vain to debate.

As to the great objection, that they have cut the throat of the Union by a subsequent clause in the Petition and Advice,

I answer; then England is in the same condition. But it will be said, England had the common-law to have recourse to. So had Scotland a statute law, to have recourse to, which says, they shall have thirty members. The same Parliament made both.

But it is said, the distribution is not agreed on.

If there be any precedency in order of time, as to laws made in the same Parliament, this Act of Union has the precedency of the members coming to the last Parliament. That law was really executed according to this distribution. Nobody excepting, it stands good and effectual as a law; so that they have a capacity upon equitable, legal, prudent, and just accounts.

If there be a law, it must surely be of force till you repeal it. If they did deliver up that power by the Petition and Advice, to whom did they deliver it? Was it not to a Parliament of the Commonwealth of England, Scotland, and Ireland? You may cast them out, but you cannot bring them in again without their consent. There must be a call of the people from thence, to consent to such union.

They have not gained by union. They have found their taxes heavy, and have consented to lay 9*l. per* ton on wine,* for which they paid before but 50*s.*

If we part now, God knows when ever we shall meet again. It will be said they will not meddle with a people given to change.

A three-fold cord will all snap at one blow, the consent of Parliament, of his Highness, of the people.

A difference between union and uniting, was put the other day. I thought there had been nought in it, but I find it otherwise. You may make laws for union, but you cannot unite their hearts. They are united to you. They submit unto all things. A man may ride all Scotland over with a switch in his hand and 100*l.* in his pocket,† which he could not have done these five hundred years.

It is said we must be always pulling down. Admit we

* See vol. ii. p. 202; *Journals*, vii. 454, 514.

† Yet it was related, in 1698, on no mean authority, that "in Scotland, in all times," there had been "about 100,000 vagabonds, who lived without any subjection to the laws," by "begging from door to door," or by "robbery." See "The Political Works of Andrew Fletcher, of Saltoun," (1748,) p. 100. For a happy contrast, in later times, see Mr. Whitbread's speech on the Poor-Laws, (Feb. 19, 1807,) p. 31.

want the formality of a top stone, nay, if it were, of a foundation-stone, shall we pull down all the building. If it were upon a personal account, I should be ashamed not to withdraw; but, as it is national, nay, for three nations that we sit, to withdraw, or to persuade us by arguments of ingenuity and modesty when duty comes in, I must trample all under feet. I cannot, I dare not, I may not, I must not, withdraw. If it were upon a personal account that you commanded me to go out, I should make you four legs instead of three.* When the Parliament has voted it I will withdraw. We shall, I suppose, all withdraw. I pressed not to be elected as some haply that hear me now. I did not ride post for it.

If you turn out a whole nation, I know not how you can bring them in again, or make laws to bind them, or make an Union without a new treaty, which none of us have power to make.

Consider the arguments upon a prudential, political, equitable, and legal account, and the Lord direct you.

Dr. Loftus. I cannot consent, upon account of withdrawing.

Our right to sit here is founded on the Petition and Advice. We have had free admittance hither. The right of possession is before the law of nations, and it is a rule that we shall continue, till our right be determined.

It is not agreeable to our trust to withdraw. It will dissatisfy the well affected of that nation. It will encourage your enemies to insurrection. Better may thirty be taken from England than can thirty from Scotland or Ireland, for that takes away the constitutive part, the other takes away but the integral parts, without which the whole may consist.

Sir Henry Vane. I move to the order of your proceedings, or rather to the order of the House. If you please, peruse the writ, which attends at your door. It will determine this, and will end all this debate. There are omitted in the writ, Scotland and Ireland. England is in. I shall read you the words, if you please.

See vol. iii. p. 21, *note* ‡.

Mr. Reynolds. I move, not to read any paper, but to see the record.

Mr. Goodrick. You yourself urged that a thing was left out of the writ, viz. *Ecclesia Anglicana.*

Mr. Knightley. The words were omitted, because the bishops are now left out.

Lord Falkland. Let the writs be called in. If there be any flaw, let it be known.

Lord Lambert and *Colonel Allured* seconded.

Dr. Clarges. I move that Sir Henry Vane be heard to matter-of-fact. It may be, it will be granted, that there is such a defect as is represented.

Mr. Bodurda seconded it.

You will also collate not only the writs for Scotland, but for England, &c. You will send also for all in former Parliaments, and by that time you may be fit to adjourn for the long vacation.

Colonel Birch. I observe, that whatever will draw out the debate, has been moved. I observed, when it came first in, it was clearly upon another account than now is pressed. Such a thing was never done in Parliament, to cut the question in two, to divide between the parts of the question.

It seems, the Clerk attends, by whose orders I know not, but seeing he is here, put the question, and put it off your hands.

Mr. Neville. The Clerk of the Commonwealth is here by your order. It was your sense that he should attend, *de die in diem.*

Sir Anthony Ashley Cooper. I move that the writ be called in.

Mr. Trevor and *Mr. Solicitor-general* moved to call him in, without putting any question, but would rather Sir Henry Vane had urged his argument, and if he had truly represented it, there needed no perusal of the writs.

Sir Henry Vane. There were three sorts of writs, for England, Scotland, and Ireland; viz. for Parliament, 54; Parliament 56, and this Parliament.

Mr. Turner. I have seen the writs. In the writ for Eng-

land, are inserted these words, viz. "According to the laws and statutes in that case made and provided;" and that line is omitted in the writs for Ireland and Scotland. Therefore, by law, they sit upon no foundation.

Sir Henry Vane reported, as Mr. Turner had observed.

Major Ashton. I perceive the Clerk had no order to bring them. I wonder at the confidence of that gentleman, to do it of his own accord. I should have expected a sharp reproof, if I had done it. This is but to lengthen the debate. Lay them aside at present.

Mr. Wharton moved something about bringing in the writs.

Mr. Speaker. I move that the word, "assuming," and other words of heat be forborne.

Colonel Terrill. Those are Records of Parliament, and any member may cause them to be brought hither. They are here, and I desire you would read them.

Mr. Lockyer. I understand not how the legality or illegality of your writs for England, can concern Scotland or Ireland. I move that you would go to the question before you, as to the legal rights of the members for Scotland.

Sir Henry Vane. I hope that gentleman is convinced. I am not so confident, as he is pleased to say. The writs are before you. If any member desire to speak to them, he may. I shall give my advice, when I see my time; though I have little encouragement to speak, seeing I am thought to be so confident.

Sir Anthony Morgan. If any member desire the reading of them, let them rather be read, than spend your time in debating it.

Mr. Godfrey. Unless it be opened, to what purpose will you read them? I would not have them read.

Mr. Manley. It may next be moved to read the indentures; and if the writ relate to the laws and statutes, the whole statute-book may be desired to be read.

Colonel Okey. Read them, for all men's satisfaction.

Colonel Morley. We have an English proverb, "none so blind as those that will not see." We shut our eyes before the light.

Sir Walter Earle. I move that the writs be read.*

Three of the original writs issued for the election of members to serve in the Parliament holden in 1654; namely, the writs directed to the Sheriff of the County of Caermarthen, the Sheriff of the Sheriffdom of Forfarr, and the Sheriff of the cities of Waterford and Clonmell, were read, all agreeing *in terminis.*

The original writ, dated July 10, 1656, issued for the election of members to serve in the Parliament held 17th of September, 1656, and directed to the Sheriff of the County of Glamorgan, was also read.

Three other original writs, dated December 9, 1658, issued for the election of members to serve in the present Parliament, January 27, 1658; namely, the writs directed to the Sheriff of the County of Berks, to the Sheriff of the Sheriffdom of Rosse, and to the Sheriff of the Counties of Cavan, Fermannagh, and Monaghan, were likewise read.

The writ for Scotland was, "for our Parliament at Westminster in England, for choosing one knight," omitting the words, "according to the form of the statutes, in that case made and provided."

The writ for Ireland was also for choosing one knight, agreeing *in terminis* with that for Scotland. They were all signed Lenthall.

The writs being read, the question was called for, and *altum silentium* a pretty while.

Lieutenant-general Ludlow. The writs for 54 and 56 are all one, and founded upon a government. That Parliament was founded for England upon the statute. Scotland and Ireland pretend not to a statute.

* "The House being informed that the Clerk of the Commonwealth in Chancery, was without, at the door, and that, by direction given him, at the desire of some of the members of this House, he had brought with him some of the original writs issued for the election of members to serve, as well in the Parliament holden in 1654 and in 1656, as in this present Parliament. By command of the House,

"The writs were sent for, and the Clerk went from the table, and brought them into the House." *Journals.*

The Scotch are here by an arbitrary power, but by no law. You have not yet owned two Houses; nought is to bind, till the whole be passed.

I would not have you swallow the illegality, under a notion of prudence; that nation was very serviceable to us in 40 and 43. I would lay my heart under their feet. I cannot tell whether they are yet fit to be taken into your councils, till they be reconciled to ———.* They thought to have imposed a family upon you, which you thought it a duty to remove. You made them the seat of war.

It is our point of time to except against their sitting here. The vote in hand gives up our negative voice and militia, and all, all our quarrel, and makes way for that family coming in, which they cannot but have an affection for. I am not against taking them into union; but not at this time.

First debate the legality, and then admit the prudential.

Mr. Francis Bacon. *Parliamentum* and *testamentum* have one signification.

(He made a speech, and daubed on, former colours.)

If those that are left in, must make laws for those that are put out, it mainly concerns the liberties of the people of England to know well who are put out.

If ever the people of England had cause to rejoice at aught done in that Parliament, where the members were turned out,† it was never known, till of late.‡

I conclude that they have a legal right to sit.

Mr. Broughton. We must not do ourselves wrong to do another right. I cannot call that prudence.

The Protector might have called one hundred as well as thirty by that argument, if he had pleased. They put it to a venture. If it was discovered, it was discovered. A blot is no blot till it be hit.

I move that they withdraw.

* Blank, probably, a commonwealth.

† Referring, probably, to the exclusion of the Presbyterian-royalists from the Long Parliament, in 1648.

‡ When this Speaker, and his brother, became "Masters of the Requests to his Highness, 500*l. per annum*, each," as they had been to the late Protector. *Parl. Hist.* xxi. 15, 255.

Mr. Speaker. If you please not to sit in the dark, you had best speak of it in the light. You know the confusion before.

Sir William Wheeler moved to adjourn till to-morrow.

Friday, March 18, 1658-9.

I came late.

Mr. Chaloner was saying, that if Moses, the greatest law-giver, had been to read upon this law, he might have gone to Mount Sinai———*. He concluded that the members should withdraw. Mr. Nathaniel Bacon had spoken before, and Captain Baynes said he had spoken, but Mr. Speaker vindicated him, for he had not spoken.

Sir Thomas Stanley. As to the withdrawing, it is urged on one side that on necessity they ought not to withdraw; others, on a formality, that they should withdraw; so that formality ought to give way to necessity.

He said a great deal in defence of the necessity of not withdrawing; and happened to say that the gentleman that moved for their withdrawing,† was, he hoped, by this time convinced of his ignorance.

Mr. Reynolds was moving to except against the last words.

Mr. Speaker took it out of his mouth, and prayed such reflections might be spared, that beget heat.

Sir Thomas Stanley stood up to explain, but

Sir Arthur Haslerigge was content to wave it, and pressed that they might withdraw, after they had been heard all they could say. None ought to sit in this House but on a legal foot. They had none; but till they were withdrawn divers were not free to speak.

Lord Lambert. I always wished a firm union; but this is not the way. That which sticks most with me is, that they are not here on a foot of law. If it be the opinion of the House, no doubt but they will, and must withdraw. The

* Blank in the MS.

† See *supra*, p. 95.

argument runs thus: if you be not united to Scotland, you cannot be united.* I understand not this; you are a Parliament on a clear foundation of law. They that did confirm the Act of Union † were no Parliament. It was a rule that the King could not be deceived in his grant. You confirm a patent, and if you confirm that which was no law, the confirmation is void. The Parliament know nought of that law. They never knew aught of it but the title, and copies may differ.

The distribution is such a formality, that if it be not in this House, whosoever shall be thought fit to be brought within these walls may be brought in. There is as much difficulty and danger in this, to leave it to the Chief Magistrate, as may be. It utterly overthrows the privileges of this House.

Compare the two clauses in the Petition and Advice together, whereby it appears, that that law intended another distribution than is in the Act of Union.

Again, his Highness is to govern in all things, where the Petition and Advice is silent, according to the law. I demand of any man to show where, in the Petition and Advice, any distribution is made.

If it was a Parliament that confirmed it, whether was it well done. A copy was but at best brought in, and that by a single person, ‡ without any directions of this House.

I should be glad to hear it answered, that they have any foot of law to sit upon. I fear that there has not been a free election there, that the people have been least concerned in it.

I appeal to themselves, upon principles of reason and prudence, if their liberties be not as much concerned as ours, for them to go out. If there be no law, there is no room for prudence. You ought so to clear your foundations, that other ages may say it was done by a free representation of the three nations. It is the undoubted right of this nation, that none sit here as members, but those that are called in ac-

* As a Parliament.

† See *supra*, pp. 164—167.

‡ See vol. i. p. 378.

cording to the laws of this Commonwealth, and by the consent of this House.

My motion is, that before the question pass, the members for Scotland and Ireland withdraw.

Mr. Bulkeley. I have not troubled you in this debate. It has been a great and long debate.

Two questions are before you, both as to right, and to withdrawing. You are a Parliament of England, Scotland, and Ireland. If I had understood that you had been only a Parliament for England, I should have been the first that would have moved their withdrawing; but I find the case otherwise.

The sense of the House cannot be known, but by a vote. In my opinion, the sense of the House is, that they shall not withdraw. If they withdraw, they must withdraw to Edinburgh, till there be a reunion, and that cannot be done, till in another way. I hear none say they are strangers, but as Scotchmen. If they be strangers, let them withdraw.

There is but only an excrementitious part wanting, as hair, or nails, or such a like formality. All the exception is the want of the formality of distribution. That is fully answered by the Long Robe.

There is much difference between no legal right, and not a full legal right. I cannot say a clear legal right is made out to you. Admit a defect be in formality, yet *equitas sequitur legem,* in my opinion, though it is said there is no room for prudence, because there is no law. You may dispense with it, as to the strictness of it. Packer's case* was before the Committee of Privileges. If that had come before you, as it was moved, then all that sit on that foot of non-freedom or non-residency, must have withdrawn, while that was in debate.

But they will say, it has been overruled in Parliament. Have not they sat here by judgment of right? An equitable right is clear to them by the Agreement and the Union. You had not then reduced half Scotland. It conduced more to

* See *infra*, Mar. 24.

peace and conquest than your sword did; brought down your highlands to your lowlands; and now you are able with a small handful to maintain your ground. The Protector and Council, by the power or practice they then had, I may say their power, did carry on this union, in the intervals of Parliament, even to a distribution. I wish they had never done things more blameable. This was confirmed by Parliament.

If there be any defect in the distribution, either here or in Scotland, or that the Court have more influence on petty boroughs, you will think fit to redress it. Here is no *multum in se.*

You have two nations in one continent. If you are united you cannot so easily be conquered. If France and Spain should unite, would not you be stronger to defend yourselves? If you shake them off, will not France be glad to unite with them, and restore them to their ancient privileges, which were very great? If you do *de novo* treat with them, you must treat with them as a conquered nation. Will not this look like betraying them? Never lose the reputation of the English nation, which has never been yet tainted.

They are a nation that have the greatest face of religion of any Protestant nation in the world. I would not have any take offence at it. If it be but called a form, I wish we were arrived at that. It is a good sign that the power of godliness is also there. Where I see a profession, I leave God to judge the heart. I was never there; but a gentleman told me, not one church where the word of God is not taught, &c. (*query, query.*)

You are very insignificant without them. What could England do, before you were united? When they were a spear in your side, you could not stir any way but they were in upon you. If you exclude them, you can have no return this Parliament of members from thence. Your army are in arrears.* You cannot lay taxes on them, without them. All the burthen will lie upon England.

* See *supra*, pp. 139, 140.

My motion is, that you would, by a declaration, supply this defect. Your votes and declaration, give me leave to tell you, are very significant.

Instead of their withdrawing, declare their right. Otherwise, five parts of six must withdraw upon any petition brought in against a single person upon the account of non-residency,* which I would fain have answered.

Sir Henry Vane. This gentleman's discourse about the Union has called me up. I shall represent the true state of that Union. Admitting the premises agreed by the whole House, I shall deny the conclusion that it is right, convenient, or possible to admit them to a right, either in law or fact, to sit here.

Those that you sent to treat,† had their great aim to settlement and peace, and to lay aside all animosities. The difference arose about imposing a king upon us. We conquered them, and gave them the fruit of our conquest in making them free denizens with us.

He read the declaratory part, and acknowledged that to be the Union, and stated the progress of it.

It is the interest of this nation to own and countenance that union. None of my arguments shall weaken it. The Ordinance for Union‡ relates to this declaration. It was thus brought back again by your members from Scotland; that there should be one Parliament, by successive representatives. This is your Union, and, when opened, none will deny it. To the completing of this, accordingly, Commissioners attended the Parliament. We agreed then, the number to be thirty-five to represent Scotland. The Parliament accepted the result from ours and their Commissioners. A bill was prepared‖

* See *supra*, p. 130. † See vol. ii. p. 214, *note* *.

‡ See *supra*, pp. 112, 113, *note* §.

‖ The following are the only records of this designed enactment, which I have been able to discover:—

"December 15, 1652. Resolved, that the proportion of members to sit in the Parliament of England, for Scotland, and the time of their sitting, shall be ascertained in this Bill for the Union.

"Ordered, that it be referred to the Committee to whom the Bill for the new representative is committed. "March

to pass, if that Parliament had not been broken up. In that respect, the public faith of the nation was much concerned to promote it. He that will deny it, departs from the very cause we have managed.

It is to be confessed, the Union was perfected in the time of last Parliament. It only wanted the last hand, which should have changed the constitution of Parliament. There was no foundation in law in the Long Parliament to receive them from Scotland or Ireland, till we had settled our own constitution. The Committees that came from Scotland did not sit here, but only treated with your Committee.

You must vary your own constitution as well to make you fit to receive them, as for them to come, and therefore I moved that the writs be read. It was the true meaning of the Petition and Advice to distribute it so, by reducing their own number, to give place for Scotland and Ireland. This the Long Parliament were about to do, to reduce themselves from five hundred to four hundred.* This was not done, that Parliament. I told you the reason. But this was done by the providence of God, by the Instrument of Government, a new constitution, which reduced our own constitution suitable to that for Scotland and Ireland, and accordingly the Parliaments in 54 and 56 sat. This was reserved to be done by the Petition and Advice; but prevented also by the providence of God. It was left to no person to declare it but singly, as that Parliament should declare. That was left unperfected.†

It is one thing for us to be united and incorporated; another thing to be equally represented in Parliament by a right constitution. There is a great difference. As soon as you are a representative of that Commonwealth, then must the thirty be called and not before.

"March 9, 1652-3. Resolved, that it be referred to the Committee appointed to meet with the Deputies, come from Scotland, to confer with the said Deputies touching the proportioning the number of thirty, which are voted to be sent as members to sit in Parliament for Scotland, amongst the counties and places in Scotland; and that they do apportion them accordingly, and report the same with speed to the Parliament." *Journals.*

* See vol. iii. p. 74, *ad fin.*

† See vol. i. p. 12, *note* †.

There being a failure in the Petition and Advice, as to the distribution, they were fain to have recourse to the common-law and the old statutes. There being no Act of Parliament for another distribution, they were forced to call you as we left it in 1648.

Now the single question is, whether, by the Act of Union, any right was created to any one shire or borough of Scotland. If they send them, you cannot receive them, without overturning your own foundation.

You being thus called, upon the old bottom, when no law was afoot to call Scotland or Ireland, your Commission is clear. Otherwise, they were brought hither upon you, that if you will see it, you may; if you will not, you may let it pass.

I think you are bound in duty and conscience to perfect this Union, both as to the distribution, and all other defects.

I assert two things, which I would gladly have answered.

1. That those gentlemen that are chosen from those shires or boroughs, have no right to sit as members of the representative of England, either by statute, common-law, or agreement.

2. That there is no possibility of receiving them, till you agree, by Act of Parliament, on the distribution, and other things. To say the Chief Magistrate may do it, is expressly against the Petition and Advice. He cannot do it, it being neither in law, state, nor in the Commission.

Durham had as much a possessory right:* why was not his oath broken as well in that as in this? Haply he knew more what the people of Durham would say, when it was applied to.

Honestly and uprightly make it your first business to settle your own constitution. It is said, you go slowly on. Whose is the fault? If no new commission had been sent out, you might have gone on to have done a great deal of good. This is an imposing upon you.

I would have this to be your first business. To lay foundations. Obstructions in the fountain are dangerous; that

* See vol. iii. p. 335, *note* †.

body cannot live. There is no remedy, but to do that by law, which cannot possibly be done without it. The single person may as well send one hundred as thirty, and all for one place, and so rule your debates as he pleases. This is the highest breach that can be. Where are you, or posterity, upon the account of prudence? You see how the state of your affairs is abroad: how the Swede is, since your mighty debate. France and Spain are very likely speedily to agree.*

It is an ill time for any man to assume to rule without a Parliament. In this juncture of time, I believe the Protector does not know the state of this business. If any counsel him to the contrary, it will fall heavy upon them. I hope you will not call it an excrementitious formality:† that is the very essence and being of your privilege.

Put the question, whether they have by law a right to sit, and that they may withdraw. If they do not, it is against the law of nature and nations to deny it. If they have no right by law to sit, none will insist upon it that they ought to continue.

Mr. Solicitor-general. To ground aught upon what the Long Parliament did, none will insist, as any foundation. It was not perfect. That was indeed a ground for an union, which I must call an Act of Union. By that, thirty were to come and sit in every successive Parliament.

A great objection is, that there is no legal distribution. I lay no stress upon that. The Petition and Advice is affirmed, and does neither add nor diminish from the precedent law, unless there were negative words. Nought so clear; for if it alter it for Scotland, it alters it also for England. I think it goes to neither.

A second objection is, that by common-law or state law, you cannot. I expected much in this objection, but find it not.

The writ for England is the same as has been since Henry IV.'s time. 7th Henry IV. there was a complaint that knights of the shire were not duly chosen. Therefore,

* They concluded, Nov. 7, this year, the treaty of the Pyrenees. See vol. iii. p. 294, *note.*

† See *supra*, p. 176.

that law was made to remedy that inconveniency. Before 31 Edward II. there were no such words as *secundum formam statutorum.* But as to the power of consulting.

Another objection is, why do you not send to Durham?

The Act of Union is confirmed for Scotland; but the Instrument of Government, as to Durham, is not confirmed.

I must deny that none can sit here without consent of this House. I never heard it disputed by any, but the King might send a writ to any borough. More sit here upon that new erection, since Richard I.'s time, than those that sit for Scotland and Ireland. Examine if Sir Henry Vane sit not for such a borough. *

Calais sent, I know no Act of Parliament for it, 1 Edward VI., and in Queen Mary's time. I have the writs and indentures here. Calais was lost after that time.† The same writ went for Wales that did for England. There was no new writ. No more needs for Scotland.

I think it is clear, thirty ought to be sent, and thirty to sit, only different in the distribution. Will any judges say this is a void law for want of a distribution?

Several points I could urge. The law must not be made in vain.

* "He sat for Whitchurch, which first sent members the 27th of Queen Elizabeth." *Parl. Guide,* (1784,) p. 350.

"Great endeavours were used by the Court," says Ludlow, "to prevent the election of Sir Henry Vane; and though their officers refused to return him at Hull and Bristol, at both which places it was said he had the majority, yet at last he was chosen and returned for the borough of Whitchurch, in the county of Southampton. The people of this place were advised to this choice by Mr. Robert Wallop, at which the Court faction were so enraged, that they had sent a menacing letter to him, which was subscribed by most justices of the peace for the county, to let him know, that they would oppose his election for the shire, if he persisted to recommend Sir Henry Vane to the choice of the people. But Mr. Wallop, despising their threatenings, continued to assist Sir Henry Vane, and was chosen for the county, in despite of them." *Memoirs,* (1698,) ii. 618, 619.

† In 1558, it was recovered to France, by the Duke of Guise. It had been taken in 1347, by Edward III. In 1362, "the staple of wools was removed" thither "from London." *Parl. Hist.* (1762,) i. 311; iii. 349.

We have admitted the distribution for two Parliaments, *de facto* and justly. It were hard to turn them out. *Quod omnes tangit, ab omnibus debet approbare.* You will tax them, and yet not take in their consent. It is more just for us to let them sit, till there be a law, than to put them out, till that formality be perfected. That is the only question before you. I cannot advise it to be well for you. The Petition and Advice knows not how it can be a Parliament of England, Scotland, and Ireland, if you have no Scotch and Irish here. If you turn them out, you can make no law to make them sit here. You break the union, and then must you come to a new union.

It was never yet said that they were a conquered nation. If they were so, it is not just to break your treaty with them. You promised it to them, to take them into your bosoms and make them one with you. The Romans never did well till they did so. Because the Kings of France and Spain are like to agree, and Sweden in an ill condition, I understand not why we should now break. It is more for our interest now to unite than ever.

Had you ever peace with Wales till you incorporated? Have you had it ever broken since?

I wish Scotland may have benefit by this union.

The question will be now, whether you will turn them out, not for admitting them, for they are admitted. The debate was brought in against the orders of the House; but I shall not now dispute of that.

Put the question, not upon their right. You have called thirty. You have made a building, haply three stories high, but the house is not well divided. Will you, for want of division, pull down the whole building?

As to the argument, that the Act of Union is no good law; this argument makes way for Charles Stuart.* Your judges

* For whose restoration, this speaker was, probably, not ill prepared. He was "made his Majesty's Serjeant-at-Law, 1671.; appointed a Justice of the Common Pleas, 1672." The late Protector had created him a Baronet. *House of Cromwell*, (1787,) i. 437.

have judged upon it. This argument will confound all that has been done.

Before 2 Henry V. Acts of Parliament were not thrice read, but it went by way of petition. The King then took what part he pleased. Then comes that law, and says the King shall take all or none. When a law is on your rolls, can any man except against it for a formality?

He concluded that they might continue to sit.

Mr. Trevor moved to adjourn for an hour; and the House and the debate was adjourned accordingly, at twelve, till two.

Afternoon, at half-past Three.

Serjeant Wylde stood up to speak. Some moved that he had spoken, but leave was asked for him to speak, *de bene esse*, till the House was full.

He mumbled on, and cited a great many cases, why they should withdraw.

Mr. Grove. I move much at his wisdom to cite so many precedents for a case that never was heard of before. I doubt the chair did not hear him. Otherwise, you would have been careful of your time.

Sir Anthony Ashley Cooper. He said what was very material. I move, therefore, that he be heard out.

Mr. Trevor. He is heard as *amicus curiæ*. I hope he will consider your time accordingly.

Serjeant Wylde went on, and concluded that they ought to withdraw. It seems, in the time of the Long Parliament, he was always left speaking, and members went to dinner, and found him speaking when they came again.

Mr. Drake. The point of withdrawing is a matter of greater consequence than to be decided upon a bare motion, on account of modesty.* It is not personal, but national. It is hard for them to withdraw. It will be a dangerous case to us. We stand in our own right, if we reject the Union; and coming to Parliament is the greatest ratification that may be.

I move to wave the question of withdrawing. I know not

* See *supra*, p. 165.

how it comes in. They are to plead for a nation. I move that they neither withdraw from this House, nor from the debate.

You see, by Sir Henry Vane,* what was the ground of the Union; a foundation for a Commonwealth. I hope you will consider it well.

Mr. Lockyer. I will not dip into the debate as to the merit, but only to acquaint you with my thoughts, as that you have arraigned the Scotch nation.

It was cried, he spoke, and Mr. Speaker would have taken him down.

Dr. Clarges. He spoke to the Scotch and Irish together, but never spoke since the question was divided.

Mr. Bodurda. One question gigs out another. We shall never end.

Sir Henry Vane. I move that he, or any that served for that nation, may speak as often as he will.

Mr. Disbrowe. We all sit for the three nations. I pray, not to be taken as a party. Till your sense be known in your vote, I wish such expressions might be spared. I have not yet spoke to the matter.

Mr. Lockyer. I intended not to speak one syllable to the merit, only to withdrawing. We are in by a possessory right.

Colonel Birch said, this point of withdrawing has been lapped up in the debate all along. Your debate will never end, at this rate.

Mr. Annesley. I have not troubled you at all in this debate; though it has cost you a great deal of time, and the sending away two Speakers.

Mr. Lockyer went on again, and concluded to put the question for withdrawing. He will give his affirmative or negative.

Mr. Lockyer, the younger. I grant that those ought not to sit within these doors who have no right; but I will invert the proposition. If they have a right, then they

* See *supra*, pp. 178, 179.

ought to sit, which is clear they have. Their right is so clear, that nought can be clearer. I shall so far vindicate my modesty, as to declare that I am not free to withdraw.

The mutual contract between the nations was, that they might have part of the legislature with you.

Mr. Trevor took him down, and said, that gentleman had spoke to the merit of the business.

Sir Anthony Ashley Cooper. I grant one ought not to speak; but where a gentleman is concerned he may speak.

Sir Henry Vane seconded it.

Mr. Lockyer, the younger. I have taken an oath, that ties me up. Any thirty members serve us much for that nation as they do.

He did the debate a great deal of harm.

Mr. Disbrowe launched into the merit. The chair ought to take notice of it. I would thank you an hundred times if you would tell me of it.

Colonel White. I move that he be heard out, in regard the question is now, whether he be a member of Parliament or not.

Mr. Speaker was going to put the question upon withdrawing.

Colonel Terrill moved, that they withdraw before the question is put, now you are at a *non ultra.*

Mr. Higgons. You may debate it to this time twelve months, and still must it come to a vote; for how can you know it, till the sense of the House be discovered in a vote?

Sir Henry Vane. That is the way to make them judges in their own case. It is to declare that they ought to be here.

Colonel Birch. I move that all members be called out of the chambers.

Mr. Ross. Call your members for England out of the Chambers. I hope there is no need of calling any of the members for Scotland. I believe none of them had the ingenuity to withdraw. *

* See *supra*, p. 165.

This caused *altum risum.*

The question was going to be put.

Lord Swinton said, he would not have spoke if he could have held his tongue. He had been withdrawn these two or three days from the debate.

He made a long narrative of the original transacting of the Union; observed, that a difference was made between making men citizens and giving them suffrages; and said something of assisting Charles Stuart.

By the Declaration, a right of suffrage is given to that nation. It was their intention, as soon as ever they could make it practicable. The Parliament of England surely intended to make it good. The Ordinance and Act of Union did it. The power then in being held it out. We were not bound to observe the law of England, but the law of nations. The Protector and his Council was then the power in being. Shall a foreign nation require that, when they transact with you?

I am fully satisfied, in my own conscience, that the Parliament of England intended an Union, and intended to make it good, and that they are *bona fide* to make it practicable.

I understand not that ever the law of England was the law of Scotland, so that our distribution should be ruled by the law of England. Therefore, the rule must be, the transactions between the nations; the public faith of the nation held forth.

There is a great difference between the proportions that they had before, and what they have now; yet this is the proportion they are content with. There is no complaint. The best way to save the nation of England is to keep your faith. I would have your question to be, that they have a right, and that they ought to continue. As for withdrawing, I hope it is not expected.

If you should be about to distribute an assessment upon a county or a nation, must all the members that serve for that county or nation withdraw? If any argument prevail with me, it shall because you desire it; and, it may be, when the question is put, I may be in the next room.

Mr. Neville. I intended not to have troubled you in this debate.

The manner of this Union has been fully related to you. I was at the drawing of that declaration. The Union of that nation was then calculated for a Commonwealth, and not for a Monarchy. England was then, by the blessing of God, governed by its own representatives.*

I conceive you are not bound by that Union, and you, first, ought to consider what constitution you will be at. You invited them to the same constitution with yourselves, and they received it.

As to the point of right. If they had right, and if writs had not been sent, they might have demanded it at your doors. Yet, if Edinburgh had come and demanded that right, you would not have granted it.

It is agreed, on all hands, that the Chief Magistrate cannot send writs to choose knights. Writs he may send to boroughs, but must first grant a patent to make them boroughs.

As to prudence. It is dangerous, at this time of day, to endow the Chief Magistrate with such a power to issue out writs to what place he pleases, to send whom they please, when you know not how you will bound him and limit him.

It cannot be prejudicial to that nation not to send members. It is much charge to them. They have a law which cannot be applicable to our laws. They must not have Englishmen imposed upon them by letters † to enslave them and us too. None can be chosen there ‡ but of their own sheriffdom. It is absolutely to enslave and reduce them to a province. You are not ripe at this time to admit them; and though I differ from that gentleman in the means, I shall agree with him in the end, that the question be, whether, as things now stand, they have a legal right to sit here?

Colonel White stood up to speak.

Mr. Speaker took him down, for that he had spoken.

Sir James Harrington stood up to speak to their withdrawing.

* "By one another." See Bishop Burnet, vol. ii. p. 417, *note.*

† See *supra*, p. 126. ‡ According to their laws for elections.

Mr. Speaker and *Mr. Poole* took him down, so that he concluded his motion, that they withdraw.

Mr. Manley. I shall speak to the main question. I hope I have my liberty to speak, as well as another. I shall not offer aught that has been said.

It is a fundamental law of this nation, that the Chief Magistrate may call whom he pleases to this Council, or to his other Council.

He cited the case of Malton, and offered a question, that the members summoned by writ under the great seal, may be admitted to sit in this present Parliament.

Sir Anthony Ashley Cooper. None have spoken to the legality of the Petition and Advice. It was demanded, but had no positive answer. All that have spoken to it, have fallen off, upon consequences. It was under force. If a law under force must bind, *actum est de lege.*

As to the Act of Union, it was well told you, it was for another constitution that it was calculated.

They are persons very fit to be united to us; of the same religion; the same continent. They have been faithful and assisting to you. I am as much for the freedom of that nation as any man; but he that wishes his son well, does not give him his land till he come out of his guardian's hands. The case of Wales is famous. Did you admit them to a legislature at first?

There are many complaints here, but not one from Scotland. I argue from thence, that they take no notice of the Union. Make the Union so sure that you may be sure that nation acquiesces in it.

I am as much for the Union as any man, and when they are united, I would have them have as fair a legislature as may be. They either come now on the account of their own interest, or upon the interest of the Chief Magistrate.

Put the question, if they have a right to sit.

Mr. Morrice. Union is a precious term, and Pliny tells us, it came up from the sea, and was begotten from Heaven. But as we must not make a burnt offering, so let us not

make a peace offering by robbery.* Let us not, in building another's city, pull down our own. The Romans did never give *jus civitatis*, but to those that were naturalized by a long experienced union. I would have them naturalized. As Paul said of Onesimus, that they may depart for a season that we may receive them for ever.†

The question is not whether they shall be members, but whether those now sent sit upon a legal foot. I can never agree that to be law which is dissonant to reason. If we be not judged, here, of reason, we sit here without reason.

One gentleman moved that there might not be one word of law in the question. He well knew they had no law to sit. Prudence becomes a judge, but prudence is not the law. By that rule you will bring in all prudent men, if law be not the judge.‡

Examine by what number of men those were chosen. When I see so many English faces, I suspect the natives do not so much esteem this privilege.

I doubt you will hear, ere long, that this distribution is too small. As one seeing a small army said, they were too many to come as ambassadors, but too few as an army; so this number is too great for a conquered nation, and too small for an united nation.

Cæsar and Bibulus were consuls.‖ It will be like the Athenian subsidies. They say it is but the Parliament of England, Scotland, and Ireland, consisting of Englishmen. It was the great policy of the Pope to include the western and eastern patriarchs in his convention, who never saw it. He only gave them the name of it.

Thirty of the senate at once did invade the purple robe.¶

* "I hate robbery for burnt offering." *Isa.* xi. 8.

† *Philemon*, 15. ‡ See *supra*, p. 173.

‖ "The wits of Rome, instead of saying such a thing happened in the consulship of Cæsar and Bibulus, said, it happened in the consulship of Julius and Cæsar." *Langhorn.*

¶ On "the popular conceit," concerning "the thirty tyrants of Rome," see *Gibbon*, (1813,) i. 444. "Lysander

If you go about either *manu forti* or *multitudine*, to make them one in your family, it will not be long till they turn you out. It is fit they should withdraw, unless it can be made out, either by the law of God, man, or nature, or nations, that a man ought to be judge in his own case. Cambyses once uncased a corrupt judge, and made a cushion of his skin for his son to sit on.*

This House, which is a deity, make it not as an image. The former work was the work of a carver, a great cast out. This is the work of the plasterer.

Therefore, my motion is, that they be suspended while the question is put.

Major Ashton. By the order of nature, the first question debated ought to be put. That is to the right. This will make the elder brother subscribe to the younger. If you will do it, I desire to be heard.

He was taken down.

Sir Arthur Haslerigge. This gentleman, being concerned,† ought to speak; but for any member to defend his not withdrawing, after he has been heard, I never knew it.

The question for withdrawing, was put in the affirmative.

Lieutenant-general Ludlow stood up, as was urged, before the negative was put. He went on, and moved that this question be put, and desired it might go in the affirmative.

"Lysander (B. C. 404,) constituted a council of thirty, with power as was pretended, to make laws, but in truth to subjugate the state" (of Athens.) "These are the persons so famous in history under the title of the thirty tyrants. They were all the creatures of Lysander, mere implements of power. The people expelled the thirty, and chose ten men out of each tribe to govern in their stead." *Ant. Univ. Hist.* (1747,) vi. 486, 487, 489.

* "Cambyses, being informed that one of the judges had received a bribe, caused him, upon conviction, to be flayed alive; and having covered the seat, on which he pronounced sentence, with his skin, appointed his son in his room, ordering him to sit in the same chair, when he pronounced sentence." (*Val. Maxim.* l. vi. c. 3.) *Ibid.* v. 141, *note.*

† He was M. P. for Meath and Lowth.

He cited the case of Malton, where a burgess was denied audience in his own behalf.*

I did speak to the merit, but reserved myself to speak to the point of withdrawing. There may be a force put upon a House, as well by bringing in too many members, as by keeping them out.

Mr. Speaker stood up twice, and said, in his judgment, he had spoken.

Sir Walter Earle. Let not your judgment be despised. You have said he spoke, then why ought he to insist upon it?

Serjeant Maynard. Any member ought to rest satisfied in your opinion; else, there will be no end of debate.

The question was again put in the affirmative and negative.

Mr. Sadler stood up.

Mr. Speaker. I move that candles be called, if you sit it out.

Colonel Morley. While another speaks, you ought to sit down, Mr. Speaker.

There was a great debate whether Mr. Sadler should be heard. Some affirmed, he stood up between the negative and the affirmative. Others affirmed, that he stood up, but sat down again, with his hat on, before the negative was put.

Mr. Sadler affirmed, that before the negative was put, he did stand up, and say, Mr. Speaker. Then it was ruled, that he ought to speak.

Serjeant Maynard moved for candles.

Sir Henry Vane moved for only two candles.†

The question being put, that candles be now brought in,

The House was divided. The *Yeas* went forth.

Yeas 187. Colonel Rossiter and Mr. Annesley, Tellers.

Noes 160. Mr. Brereton and Sir Arthur Haslerigge, Tellers.

* See *supra*, p. 43.

† Here is a blank in the MS. The farther proceedings of this day I supply from the *Journals*.

So it was resolved, that candles be now brought in.

The question being put, that the members returned for Scotland do withdraw,

The House was divided. The *Noes* went forth.

Mr. Bulkeley and Mr. Grove, Tellers for the *Noes*.

Sir Henry Vane, and Lord Lambert, Tellers for the *Yeas*.

But the *Noes* being withdrawn, the question was yielded by the *Yeas*.

So it passed with the negative.

Resolved, that this debate be adjourned till to-morrow morning, and then proceeded in, and that nothing else do then intervene.

Saturday, March 19, 1658-9.

Prayers *per* Mr. Cooper, at nine.

Mr. Speaker being sat, leave was moved and granted to Mr. James Herbert to go into the country for a fortnight.

Mr. Speaker gave notice to the House of the great disorder last night, upon the division of the House.

Colonel Birch. I never knew, when the House was divided, and the doors shut, that it was yielded. But I desire healing, as much as any man.

Sir Henry Vane. I have known it often yielded on the same account.

Mr. Speaker differed, and reported the manner of the disorder.

It seems, Sir Henry Vane had moved, which Mr. Speaker took notice of, as to the vote passed last night, that seeing we had made them judges in their own case, he chose rather to divide upon the main question, than upon a formality.

Mr. Speaker offered a question as to their continuing to sit for this present Parliament.

Sir Henry Vane. The other question is the proper question, as to the legality of their sitting.

Mr. Solicitor-general. I move for the question for continuing; which is the proper question, in point of precedence.

Mr. Weaver. The first question was for ejecting, the next read was for continuing; but I appeal if the substance of the debate was upon the legal part.

Sir Walter Earle. I move that our prudence be exercised, as well as our legal right.

Mr. Broughton. I move that what is done here be not only *justum* but *juste*. Let us do valiantly for our cities and our children, as Joab a valiant man did.* As every man must answer for what he does, let us be clear. It is one thing to give a vote at random; another thing according to conscience. Let that be done, and what the Lord pleases be done. Let us do righteous acts, that the sun of righteousness may shine upon us. Prudence comes in upon reason; but judgment comes in on clearer grounds. Do that which may hear well, and be satisfactory abroad.

Colonel White. You are not only a court, but a council, to counsel what is for the good of the nation.

I move that, instead of putting a question, you appoint a Committee to bring in a Bill to supply all defects, and ascertain the number and distribution. This may be done, without prejudice to you or them, and may lay a good foundation for future ages to build upon.

Mr. Turner. I am in no way satisfied with the words of the question. It has gone upon the legal and prudential right. If you put it upon the legal, you shall have my negative. If upon the prudential, you shall have my affirmative. But you have a good expedient offered to you 1 Henry V.

It was offered that a great many of your members sit upon a prudential right, as in the case of non-residency.† Time was, when Parliaments were burthensome. They had wages‡ and divers privileges allotted them. The reason of making of the statute was, because men were not willing; and as many in

* 1 *Chron.* xix. 13. † See *supra*, pp. 176, *ad fin.* 178.

‡ See vol. iii. p. 499, *note.* It has been said that Andrew Marvell, member for Hull in this Parliament, and again in 1660 and 1661, was the last member who received wages.

those times were imposed upon, and if they were willing, then there was no more made of it.

I move to put the question upon the legal right, or else take the expedient.

Mr. Swinfen. I am of opinion that the prudential right is very inconsistent. It is hard to affirm a law upon prudence. The debate has gone upon the legality; only prudentially has been made use of, as to the distribution. That has a very great colour of law. It is a moot point.

If you be not a Parliament of the Commonwealth of England, Scotland, and Ireland, you are not a Parliament at all. My motion is, that the question be put upon the legality of their sitting.

Sir Arthur Haslerigge. I hope every man may have liberty to speak to this question over again. I was never less fit, in my head, to speak.

Either these gentlemen sit by law, or they are imposed upon us, contrary to the Commons' right of the Commonwealth of England. The Solicitor-general told you * he looked upon the union made in the remaining part of the Long Parliament, as no law; but the Act of Council made it.

An Instrument of Government then was set up, said to be beyond our *Magna Charta*, and that it would not be altered. Other foundations could not man lay. This alters the distribution.

The Protector had his foundation of power to distribute, by this Instrument. It turned over the fundamental laws of sitting in this House, and brought in two nations to sit here, that never sat before.

This Instrument came not in before Lords and Commons. It came in, nobody can tell how, and how it went out, no man knows, whether out of window or door. I hope all foundations of that kind will perish like the gourd.† The Act confirms one hundred and twelve Acts and Ordinances of that Council, and nought at all read but the titles. The Act was never so much as read.‡

* See *supra*, p. 181. † Probably of Jonah.

‡ See vol. ii. pp. 38—45, 248.

All laws are grounded on right reason, and men may judge by right reason when they read them. All laws confirmed in former Parliaments, were read here. There is no record here. Mr. Scobell was made Clerk of the Council, and so our Acts and their Acts had all one signature, Henry Scobell. A fine strain of wit, to mingle these things with your records, foist, I will not say!

Things do so strangely, that nought can preserve us, but an Act of Oblivion. Every Parliament must have an Act of Oblivion.

I wonder to see long-robe men so diametrically differ in point of law. It may be, some are under more oaths than one. In former times, an Attorney-general was not to be a member of this House, because bound by another oath, to maintain the single person's interest. Others, haply, may be under the like obligation; persons that are conscientious. This difference confounds me.

These two nations will not surely accept this as a clear title of this Union; but they will say this will serve, *hac vice*, for this turn. I would speak it in Latin, not to give offence.

The Petition and Advice, it seems, is our *Magna Charta*, on which we must all go. The intention of this Petition and Advice was set above all the laws of the nation; so that we are to be governed two ways. 1. By the Petition and Advice. 2. By all laws not contrary thereunto. Privileges of Parliament are to be maintained. Then comes the clause for distribution. If that had been provided for, then had the Act of Union, and all towards that, been out of doors. We must not shut our eyes at noonday.

It is absolutely void by the Petition and Advice. It was told in this House that this Petition and Advice was instead of *Magna Charta*.

We are here brought, undoubtedly upon the same foundation, as clear as any Parliament was called these many hundred years.

If other things be not as they were, it is not our faults. We are as we were. If any Peers committed treason, they

forfeited their privilege. The King declared all of us traitors. We declared the like of those that followed him, and disabled them from all trust. It is a dishonour to us to own any foundation but the ancient, upon which foot we are now.

The Act of Oblivion provides well enough for the qualifications. That law disables them from all trust. I stand amazed. I was going to speak a word that I doubt is not parliamentary. I am called to go on. It is parliamentary. You shall have it. Who durst do it, send out such writs? The Lords Commissioners * did not do it. I say, who durst do it against law? No writ must be altered; and must a writ be made to bring in members from another nation? To make knights was never known, instance the case of Durham.†

As to the prudential part, when privilege is in question it ought not to have a place. I never knew it urged at a Committee of Privileges to bring any man in for prudence sake, but for right only. Do not you think we live in a knowing age, in perilous times, still destroying and pulling down? Is it not because we are not upon a sound foundation, but upon a wrong foundation? But ten words make this an Act of Union. You are upon a good foundation, and may make sound and good work, if you please.

It is a fundamental law that there shall be a Parliament at least every year.‡ The Triennial Bill provides for a Parliament every year. You will laugh at me, but it did provide so, that if the king did not call Parliaments once a year, the people might once in three years, in spite of the King.§ He could refuse no part of a law. I know not who advised these writs to be sent out. Surely his private council, if not his Privy Council, did ill advise this. Any of us would be loth to buy land on such a foundation as an Act of Council, the great Council, of his Highness, who at present has but a possessory right. It were fit for us to deal plainly with him, and know

* Of the great seal. † See *supra*, p. 180, vol. iii. p. 335, *note* †.
‡ See vol. i. p. 403, *ad fin.* § See vol. iii. p. 516, *note*

who advised him to send out these writs. But you will say it is not yet seasonable, till an Act of Oblivion be first brought. I shall be as much for it as any, with some limitations.

Mr. Grove. The question we are upon, clearly appears to me, to be, whether we shall break the Union with our brethren of Scotland. But it is said, we will make the Union stronger. This is like cutting out a piece of my cloak, and telling me they will put it in stronger than ever.

The argument of out-voting us, will lie sixty years hence as well as now. If we be unanimous, they cannot unite us. But some were so ingenuous, as to say it could not be practicable, till we were reduced to a Commonwealth, as we were when the Union was first made. If they be cast out, I shall never live to see a bill passed to bring them in again.

In the Long Parliament, arguments of prudence were made use of. They have, in my opinion, a clear legal right. There is a want of formality in our election as well as theirs. Let us pass by one another.

Those are arguments *ab honesto*. There is also an argument *ab utilitate*. It is better than to have Parliaments amongst themselves. The effect of those Parliaments was ever to vote armies into England. Their last Parliament had that effect. There is a third argument, *à jucundo*. Union is most desirable with brethren Protestants; nay, Protestants of the best profession in the world. This is super-superlative. How pleasant a thing it is for brethren to dwell together in unity !*

Make it your question that they may continue.

Sir John Northcote. I am sorry to hear we had no other consideration in the Long Parliament than prudence. I think it was a legal right we went upon; 33 *Ed.* I. members were sent for from Scotland,† and this was by their consent. It does not appear, that in this Union the nation did consent.

Their not withdrawing implies that they shall sit. I would have you make an explanation as you did in the Petition and

* *Ps.* cxxxiii. i. † See "Mr. Scot," *supra*, p. 136.

Advice. Therefore, have a bill brought in to explain that clause as to the distribution. By this means you will bind up all in a bond of union.

Colonel Birch. The not withdrawing does not imply their right of sitting.

Yet how durst the Chief Magistrate do otherwise than send out the writs, being Protector of England, Scotland, and Ireland. Would you have had him left out Scotland and Ireland? Had he then discharged his duty, being intrusted with the executive power?

To question the legality thus narrowly, we are setting up a ladder, for others that come after, to climb over our heads. It questions all since 42. It has been told you by learned persons, that nought was of force that was done after the King taken away. Where is the letter of law?

I find not the letter of the law, to warrant us to be a Parliament of England, Scotland, and Ireland. My heart is full of this.

I am one of those that would have your building strengthened; but not to pull down a house, and put myself in the rain till another be built.

It was told you of the work of a carver and a plasterer: one works by subtraction, the other by addition. It has been our practice to pull down, not to build up.

It is said we have not their hearts. It is not for our service to say so. They helped us in our straits.

If nought else but a confession of faith to be agreed on, pursuant to what we lifted up our hands for, I could not let slip the union. It is not for the interest of Jesus Christ.

Niceties in law are fitter for Westminster-Hall than here; but that which we are to look at is the interest of Jesus Christ, and of those that we represent.

It was and is the interest of the Jesuits,* and of our enemies, to make this division. It would rejoice them, and make our friends go away with sad hearts.

This is the way, directly, rather to increase than lessen

* See on "jesuitical principles," vol. i. p. 110, *note.*

our charge in Scotland and Ireland. Let us not root up foundations. Put the question whether they shall continue sitting.

Mr. Sadler. That gentleman spoke with so much reason in some things, that I cannot without regret differ from him. He did assert they had a right beyond ours. Then, I wonder why his conclusion should be otherwise, to bring the right in question. I wonder that results go contrary to men's debates.

If that of brotherly union, urged by Mr. Grove, * had taken in the subsequent words about Aaron's ointment: if you had been to make them a church, this argument had been strong.

The Scotch members waved all arguments of equity and prudence; because circumstance of time may alter it. You dare not put it upon the matter of right and law. They have plainly told you it was right and law they sat upon. As it was the question in the primitive church, not whether the persons shall be justified, but whether they shall be justified by the law; if not justified by law, any member may stand up every day, and say they shall not sit afterwards, because of circumstance of time. Though equitable and prudent yesterday, yet not so to-day. There are great essential transactions now on foot.

Nullum numen abest, si sit prudentia, said a heathen.† Our and your great head, Christ Jesus, came upon the law. When a man has once put himself upon a law, though he have a pardon in his pocket, it is too late to offer it, when he has pleaded another plea. It was wisely agreed, by those, to urge law. It has been said they sat upon a natural, political, and legal foot. I would have it plain English law; I hope that is Scotch law, and law of nations. They place the centre of the compass upon the Petition and Advice. I think it is the best act that ever was made; a plain, honest, good law. They saw the Commonwealth expiring, and

* *supra,* p. 198.

† *Juvenal.*

therefore made its will; so that it is rather a new testament than a law. They disposed of its estate. It is plain they intended it to be no binding law, but only a bare declaration, supposing things to come. It is founded, not only on an opinion of the then Lord Protector. Other wills begin to give their souls to him that made them. This does not give it to him that made them, but rather somewhat else. I can find nought else in it. I have talked with some of both Houses, and they understand it but to be conditional.

Suppose the Petition and Advice and Act of Union to be laws, their number, thirty, will you stand to that? Are there not more than thirty called? But, you will say, to the other House some are called. I desire but that to be granted. Why might not all be called to the other House? I think they might be better there. They say plainly they may not withdraw. What is this, but to give them a negative? The main that is said on that side is, that the Chief Magistrate may send writs, and he did so in Edward I.'s time. I could speak of this till you were all weary. *Altum risum.*

It is fitter for you to rise, than to put you into a daily debate about the equity and prudence of it. I shall not be against bringing in an Act.

I shall conclude. They are not to be justified by the law, but by faith.*

Mr. Disbrowe. I except against the words, "Aaron's garments and his beard," † and the word "New Testament." I would not have Scripture used but argumentatively. I would not have Scripture made to laugh at.

Sir Anthony Morgan moved to adjourn for an hour.

Mr. Speaker excepted against the same words: would not have Scripture abused. As namely, about Aaron's beard and his garments, and the New Testament, and Paul and Onesimus, and to part for a while to have us come together for ever.‡

* Alluding to *Rom.* iii. 28. † *supra*, p. 200. ‡ *Ibid.* p. 190.

Serjeant Maynard. You are not so near a question as was thought. I therefore move to adjourn till Monday.

The question was put, whether the question for adjourning till Monday be now put.

Mr. Speaker declared for the *Yeas.*

Colonel Fielder for the *Noes.*

The House was divided. The *Noes* went out.

Yeas, 158. Sir George Booth and Mr. Chute, Tellers.

Noes, 115. Mr. Trevor and Mr. Annesley, Tellers.

So it passed with the affirmative.

The main question being put; it was

Resolved, that this debate be adjourned until Monday morning, at eight of the clock, and that nothing do then intervene.

The House adjourned accordingly at one o'clock.

The Committee of Privileges sat in the House.

Serjeant Waller in the chair.

Counsel were heard on both sides, in the case of Reading, where the difference lay between the right of election by the Mayor and Aldermen on one party, against the commonalty; but it was made to appear by several records, down from Edward I., and never questioned till 1640, that the election of Mr. Neville and Mr. Blagrave * was clear. But, to settle the title of the Commonalty, for the future, the Committee had dismissed the Petition, of course.

It passed *nemine contradicente.*

The Committee for Ministers in Wales, † sat in the Exchequer chamber.

Serjeant Seys in the chair.

Sir Arthur Haslerigge would fain have complimented him out of it, in regard of a petition presented to the Committee reflecting upon him a little, but it was but upon a mistake; and I believe he will keep the chair.

* See vol. iii. p. 21.

† See vol. iii. pp. 83, 84, 500, *ad fin.*

Monday, March 21, 1658-9.

I came late.

Sir Anthony Ashley Cooper informed the House, that on Saturday last, in the afternoon, which was the first day they could be dispensed with from the service of the House, the Lord Fairfax, Dr. Bathurst, Mr. Weaver, and himself, in obedience to the command and order of the House,* went to visit Mr. Speaker, Chaloner Chute, at his house in the country; that they found him very much indisposed in his health, and very infirm and weak; that he was much troubled that he could not attend the service of the House; that it was a very great reviving and comfort to him, to find the House take him into their thoughts and care, and to send some of their members to visit him: for which he desired his most humble thanks might be presented to the House, and that they might be acquainted that he values their service higher than his own life, and that whensoever they shall command him he will wait on them; and did assure them, that as soon as ever his health will permit, and that by advice from his physicians he may do it with safety, he will return to the service of the House: and prayed, that, in the mean time, the House would continue their favour towards him and dispense with his service.†

Mr. Hobart I found speaking. He concluded, that the question be upon the legal right.

Colonel Briscoe. The distribution is but a circumstance of a circumstance.

If the Act of Union was not recited, it was no new law, but known; therefore, not so essential to be read or recited. It is very evident that it should have been thrice read; but you are masters of your own order. There is no recital in the *Articuli super chartas*,‡ nor in *Magna Charta*, so often confirmed. It is not therefore of such absolute necessity. It was his Highness's act, and in his lifetime he does execute

* See *supra*, p. 150, *note* †. † *Journals*. ‡ See vol. ii. p. 435.

this Union accordingly. He is best judge of the testament that makes it.

There was an agreement made by the representative of the people, the Long Parliament. If the change of the government did null or alter it, by the same reason the league with Sweden and Holland may be avoided. I was as much against confirming the laws in a bulk* as any man.

If we should take exceptions against every law that has been made these twenty years, for a punctilio, would that be prudence?

We should foresee storms. *Nemo leditur, nisi à seipso.* I am satisfied as to the legality of it.

I move that the Scotch members continue to sit here, and that a Bill be brought in to confirm their right. That is agreed to be a very reconciling motion, and may heal all these heats and differences about it.

Sir Thomas Stanley stood up to speak to the question. Some said he had spoke. Others said he spoke only to the withdrawing.

Mr. Speaker. He has spoken to the matter.

Mr. Jenkinson. Though he has spoken; yet to the words of the question he may speak notwithstanding.

Mr. Gewen. Every man that has spoken, has spoken to the right. Therefore, in right, that ought to be the question.

Mr. Blagrave desired to speak to the main question.

Mr. Speaker. You should agree of a question; else your debate will be endless. The question which I found upon your books was, concerning their continuance; but, if I were free to propound a question, I should propose it upon the right. I know the Chair can argue nought, but only collect a question.

Sir Arthur Haslerigge. If the Chair stand up to speak to the orders of the House, and do not speak to them, any member may take him down. It is an undoubted order of the House that the Chair may be taken down. We have heard you a great while.

* See *supra*, p. 195, *ad fin.*

Mr. Speaker went on, and gathered the whole debate, and propounded a question about the right. That would include every man's sense; for their continuance implies their right.

If it be either upon a prudential right, or legal right, or no right, every man may be satisfied in his vote. I can only explain your debate, and out of that frame a question.

Sir Arthur Haslerigge. I speak to the orders of the House. Your office is, out of the debate to draw a question; and you are in the right, that the debate has chiefly gone upon the legality of it.

I shall never speak aught in this House which, to the best of my knowledge, I understand not to be just and right.

Your duty is to put a clear question, not complicated; that every one may have his yea and no, clearly. I like your question, but not your explanation.

I am persuaded, if an angel should come from Heaven, there would not one man's vote be altered in this debate; nay, though we should spin out a week longer. I agree that in justice it ought to be put in the legal right, and not to complicate it with equity and legality.

Mr. Secretary. I agree it to be your part to sum up the debate, and draw thence a question. I likewise agree that the question should be clear and not complicated; but I cannot agree that the question upon the legality is a clear question.

Some have gone upon the legal part, some upon the prudential, merely. Others have taken in both. If you put it upon the first, you exclude the two latter. Those that are not clear in point of law, they are excluded. But that of continuing to sit comprehends every man's vote, and is most ingenuous and clear. The debate has wholly gone upon that.

Sir Walter Earle. You will soon put end to this debate, if you take one question, which you please, and put, if that shall be put; and that will decide it.

Mr. Knightley. If you put it upon the legal part, I shall, as Mr. Secretary says, go near to give my negative. If upon the other, my affirmative. Therefore, put the question if that shall be put.

Mr. Annesley. You rightly represent it to us. You found

that question as to continuing, and, if you put any question, you must put that. I move to put, if that question shall be put.

Captain Baynes. I move that we be not led into a mistake. This question was put upon us. The question ought to be put upon the legality.

Mr. Attorney-general. The clear question is to continue to sit. That includes every man's vote.* There, every man that has his reason, is included; for that of the non-legality is rather a reason than a question. If it be upon the legal, I am excluded as to any vote. You are a council as well as a court.

Mr. Hungerford. Your great debate has been upon the right, and now you are waving that, and putting it upon another question; which to me seems, that those gentlemen that move it are satisfied there is no right. If you pass it now, upon the continuance, the same will be pressed in the case of the Irish members, and so the right shall never come in question, as to Ireland.

(It was said he spoke, but he answered, he had had such an indisposition these fourteen days that he could not speak.)

It is as clear as the sun that shines, that they have no right. I grant, where the law gives aught it gives a means; but a means being once given, and then taken away, it is clear that both the means and end ceases.

Nought more becomes you than to inquire who execute a legislative power here with you. You excluded some.* If there be an error in the foundation, it cannot be mended. If it be of the first digestion, it is incurable.

They are persons of honour and parts, and serviceable to you, both for help and ornament; but to go upon a prudent consideration singly, it will carry you into bogs and inconveniency.

Why should any sit here, to make a legal imposition upon the nation? You are likely to lay great charge upon the nation, and how will that look abroad, that you suffer persons

* See vol. iii. pp. 241, 249.

to sit here that have no right to sit here, and impose upon them.

They have sat here two Parliaments, but that was upon the Act of Distribution, which is now out of doors. Though they have sat here this Parliament, continual claim has been made. Never could it be made more seasonable than now, when you are passing a law to transact.

I hear much talk of an Union. Why we should applaud that we never saw, I know not. I believe some that applaud it, never saw it. If this of continuance be admitted in this case, the same will be imposed on us in point of Ireland.

I hope none will vote upon a prudential right, to give any one power to pass laws. The Long Robe, that are to defend the law, will never do it. You may vary the question as you please. That of legal right will be most for your honour and advantage. I move that to be your question.

Mr. Annesley. All the service that those two nations can do you, will not recompense the time you have spent about it. The question upon your books is to their continuance; and, whatever be said to the contrary, that will be your question. I shall not say aught to the legal right, nor how much I am satisfied of that, or of another right.

It was not the fault of Scotland, that there was not distribution. It was not likely for thirty to do it against four hundred, so that you cannot take advantage upon your own wrong. You promised it, and you ought to make it good.

That of taking away the old Peers by a piece of a Parliament, was as much against the strictness of the law, as this now in hand. I wonder to see those gentlemen that some time thought fit to vary from the strictness of law, do now, at this time, plead so zealously for the strictness of it, and that in a case which is impossible. I hope they will observe this strict rule hereafter. If his Highness had sent out writs as for the two last Parliaments, there had been no occasion of dispute now. He should deserve thanks for varying the form and coming so near the ancient form. This House has all along dispensed with Acts of Parliament, as in case of

non-residency. Should you dispense upon prudentials in one case and not in another? If the Union were not for the interest of England, I should be the first to withdraw.

Two months time has been spent in debate, and no resolution. We lie under an impossibility to keep to the strict rules of the law at this time, but go back as far as we can. Those that sit in the other House, most of them, I believe, are not for a military power, but would have things settled upon a civil and legal foot. They have estates, and I am satisfied they desire not to set up the sword.

I shall rest upon the Providence of God, as to how the question goes.

Mr. Drake. We go upon point of legality, prudence, equity, and continuance. We are now going back to the first, like as he that has learned three or four words of a language goes back to the letters again.

Mr. Speaker took him down, and said he had spoken to the question on Friday sennight.

Colonel Clark. It is a great while since he spoke. You have heard him half. Pray hear him the other half.

Sir Arthur Haslerigge moved again to the orders of the House.

The proper question, if you do us right, must be upon the legal right.

Mr. Speaker. If that about the continuance be insisted upon, it must be put.

Mr. Boscawen. I look upon the Act of Union as a national sin, if any ought to be. The Covenant,* every honest

* See vol. ii. p. 214, *note* *. "The model of the Covenant sent from Scotland," says *Rushworth*, "being presented to the two Houses in England, Aug. 28, was, after some small alterations, consented to; and by an order of the Commons, Sep. 21, 1643, printed and published; and next day appointed to be taken publicly into St. Margaret's Westminster, by the House of Commons and the Assembly of Divines.

"Mr. Philip Nye was ordered to make an exhortation; Mr. John White to pray before, and Dr. George after, the exhortation; and Mr. A. Henderson, one of the Commissioners from the Assembly of the Kirk of Scotland, made also a speech.

man ought to hold to that. That was the Union, indeed. Therefore, I cannot consent to the Act of Union, now pleaded. That war was not lawful, if it did not prosecute the ends of the Covenant. We were, by covenant, equally obliged to maintain the privileges of their Parliaments and of our own. If the conquest be not lawfully got, it cannot be lawfully kept. Restitution ought to be made. That Union was made but by the fag end of the Long Parliament, so had no legal foot. Those gentlemen made it for a Commonwealth. That makes me like it the worse.

Scotland will not think themselves obliged to keep that Union longer than till they can break it. Portugal lies upon

"The Covenant was read, and then notice was given that each person should immediately, by swearing thereto, worship the great name of God, and testify so much outwardly by lifting up their hands. Then they went up into the chancel, and subscribed their names in a roll of parchment; in which this Covenant was fairly written. But, before it was tendered to the people, the two Houses ordered the Assembly of Divines to frame an exhortation, to be read before the taking it."

Among "the two hundred and twenty-eight names of the Commons that took the Covenant," are "Ol. Cromwell," and "Hen. Vane, Jun." There was an engagement, (*Art.* 3.) "to preserve and defend the King's Majesty's person and authority," immediately followed by this qualifying condition, "in the preservation and defence of the true religion and liberties of the kingdoms."

By *Art.* 2, they engage, in "defence of the true religion," to "endeavour the extirpation of popery, prelacy, superstition, heresy, schism, profaneness, and whatsoever shall be found to be contrary to sound doctrine, and the power of godliness," of course, in the infallible judgment of the covenanters.

"Oct. 2. The King, (little expecting to leave a son prepared to subscribe, and swear, as, *ex animo*, See vol. iii. p. 372, *note**.) issued a proclamation, that whereas a paper, entitled, *A Solemn League and Covenant for Reformation, &c.* was ordered by the Commons to be printed; which, under specious expressions of piety and religion, is nothing but a traitorous combination against him and the established religion and laws, in pursuance of a design to bring in foreign forces to invade the kingdom. He, therefore, charges all his subjects, on their allegiance, not to take the said traitorous covenant, as they will answer the contrary at their peril." *Hist. Col.* (1708,) p. 208—216.

the skirts of Spain, yet lies in the heart of it, (*Altum risum*) which kept it one hundred years,* yet did never gain by it.

I would have the question wholly waved; for if I were now to answer before the tribunal, I could not answer it to justify that war, or the breach of the Covenant; and to build upon the Union made by those Commonwealth-men, I cannot consent.

Mr. Trevor. I can offer you no new matter. Therefore, I thought not to trouble you. I shall not dispute the breach of the Covenant, or the lawfulness of that war. You find them united. I would rather have you make much of that Union, and strengthen it, rather than dispute it. To exclude them from a legislature is to reduce them to a perfect slavery.

The distribution, as to the number of thirty, stands by a law which we have known these ten years, and must own it for a law till you repeal it.

If I had been conscious to myself that I had spoken, I should not have run the hazard to be called down. I am clearly satisfied to give my vote for the legal right. The Union was concluded by an authority which then carried all the face of authority in this nation. If we dissolve this contract, we open a door for dissolving all contracts. If there be any thing defective, the succeeding power is obliged to make it good. The public faith is obliged. It is prudent to be just, prudent to be honest, prudent to be safe. If, upon the whole, on the legality, the equity, prudence, or conveniency, or any of them, you will go, the proper question, and clearest, is to put it upon the continuing of their sitting.

Mr. Rigby. I have as great a desire that they should be united; but for them to sit here, upon the account of prudence or conveniency, to make laws when those that are most for them are not satisfied of the legality, I cannot consent, before we make a law for them to give them a right.

The great question is coming on, as to transacting, to which I shall consent, provided it may be with preservation

* Sixty years; from 1580 to 1640.

of that which is for the interest of those that trust me, and for my posterity.

I move to put the question upon the legal right.

Mr. Juxton. Put the question, if the question for continuance shall be now put.

Colonel West. As not one native* may be here, then sixty are the quorum; and it may happen that it will be in their power to impose laws upon us.

Yourself propounded before you took the chair, a question, that they ought to sit, which was an expedient that I well liked. The legal right seems to be waved. And I believe those gentlemen that are for their sitting, are satisfied in it, that they have no right. I grant it is prudence to keep faith, and our words; but we must keep our words with God and men. We came here under a promise to preserve the rights and liberties of the people. There is not such a word in the Petition and Advice, that his Highness shall call a Parliament of England, Scotland, and Ireland. Nor is it in the explanation, nor can an explanation admit of any explanation. As to the argument, that Scotland is flesh of our flesh, and bone of our bone, therefore they must sit here: so our wives and children are. Must we, therefore, bring them to sit here? I am not against their sitting; but not till they have a law.

If the war had been with † Scotland, where had you been? They would have imposed magistracy upon you, and laws. It was the justest war that ever was begun. We were upon our defence. As to that of the commander, cited *per* Mr. Bulckley,‡ that never quartered in any House but where God was worshipped in purity, they always lie in the best quarters; but to go all over Scotland, he would be of another principle.

The proper and choice question is upon the legal right, else you conclude the debate about the Irish.

Sir Walter Earle. The former part of that gentleman's

* Not one member for England or Wales. † In favour of.

‡ See *supra*, p. 177.

speech did contradict his middle part and his conclusion; for it went upon inconveniency to have any members; for if sixty be a quorum, and may none of them be natives,* that reaches to all expedients; and when you have made it a law, that objection lies still.

Colonel West, to explain.

I said, that by the law his Highness was to call Parliaments of England, Scotland, and Ireland. I did not name the Petition and Advice.

Lieutenant-general Ludlow. He was not reflected upon. No crime was laid to him. If every man should answer to what part of his speech is excepted against, when would your debate end?

Mr. Bodurda. I move, that the door be shut, till you agree on a question.

Mr. Goodwin. The question concerning continuance leads to settlement, and I like that question best. I beseech you, propose that question, or propose whether it shall be put.

Colonel White. This question will not answer what you intend, upon your debate. It does not determine the law nor right. It leaves it still liable to a dispute. You leave out both prudential and legal right.

Mr. Speaker took him down. He spoke 9th March.†

Major Beake stood up.

Mr. Speaker took him down. He spoke 12th March.‡

Sir Anthony Ashley Cooper. It is a mistake. There is no such thing upon your book. Upon your papers it may be.

In order of nature, legal right must be considered before any prudential. Never was any precedent, that one member should be admitted, unless the legality of his sitting could be asserted; and if never allowed for one, why should we admit it for thirty? It is a lessening of our authority. If you will have your acts thoroughly received abroad, make them upon a legal foot.

I have constantly attended this question, and the legal right came always in. A learned person told you, that you

* See *supra*, p. 211. † *Ibid.* p. 97. ‡ *Ibid.* p. 146.

could put no other question but that of the legal right. Let not a mistake in the papers of your predecessors mislead you from that which is the natural question.

Major Beake. Your papers stand in need of an *index expurgatorius*. I see the Chair is not infallible. I did not speak to this question; but I spoke not for myself, but that you would hear the gentleman at the bar, viz. Colonel White, who spoke to the legality, and concluded that that might be the question.

Colonel Terrill. The question is *gravida facto*, has been ten days in travail. It is a big-bellied question, perplexed and complicated. I would have the question go singly, either upon the legality, the prudence, or the equity of it. Go upon any of them. I am free to give my vote. First, begin with the legality, which is most natural and ingenuous.

Colonel Birch. I move to put the question upon their continuance.

Sir Henry Vane. Here are two questions before you; and every one is free that the question be put, whether either question shall be put. Why should we lose time? but put the question upon what is most natural, upon the legality, and whether that question shall be now put.

Mr. Grove. The first question that is seconded ought, in reason, to be first put. It is some men's judgment that, in order of nature, the legality ought to have preference. Others are of opinion that the other is the natural question. Pray put it off your hands. We go on very slowly. Some gentlemen say here that the people take notice of our obstructions. We have great matters to despatch.

Mr. Bodurda. The whole debate has run upon the continuance.

Mr. Neville. In the case of Major-general Overton,* when you voted his imprisonment illegal and unjust, prudence happily would have continued him in prison. Prudential right depends upon legality.

I move that the question be upon the right, and leave out

* See *supra*, p. 161.

the word "legal." A worthy and faithful person of that nation, Lord Swinton,* desired it that their legal right might be asserted.

Mr. Bayles. Some are for a legal right, others for a prudential. None will deny but that prudential is rational, and *ratio est anima legis.* Then, if it is prudent, it is a legal act of both. I would have the question be upon the continuance.

Sir Richard Temple. Dolus versatur in universalibus. This is a general question. At York there was a court† that was mixed of law and equity, and when a point of law came in question, they had recourse to equity; and *contrq.*

Here is a legal right and a prudential right. Let them both have your sense; and first put it upon the legal.

There will be but a vote for their continuance, if you put it otherwise than upon the legal part; and by that means it will be, every Parliament, liable to the same exceptions.

I would have your books perused, and see if there be a word of continuance. It only related to their sitting, which you had determined by their not withdrawing.

Sir Walter Earle moved, that the books be read. It was found that it only related to their sitting.

A gentleman stood up to speak, and one moved that he being first in Mr. Speaker's eye might be heard.

Mr. Godfrey. No man can be judge who was first in your eye. None but yourself can see with your eyes. Let no man undertake that judgment, but that you should see with your own eyes.

Mr. Bulkeley. You have clearly told us that the proper question is upon the continuance. Why then should we dispute it? Keep us to that question.

Mr. Reynell. You are free enough to offer a question out of the whole debate. The whole stress has been laid upon law. Prudence has but come in, by the by. The law of nations and nature, and all laws, have been urged for the defence of their right. Declare it upon any law, be it fundamental or

* Lord of the Counsel. See *supra*, p. 187.

† See vol. i. p. 17, *note.*

what you will, I shall agree to it. This you told us would be the question that you would propound if you were free.* I suppose you are free, and it is the most natural and proper question.

Mr. Godfrey. Put the question, if it shall be put.

You are not now proceeding in a judiciary way. Here is no party defending before you. If Scotland be one party, England shall be another, and Ireland a third; and then, which prevails, shall carry it.

Mr. Speaker said, his very worthy friend had spoken to the merit, and so took him down; and prayed them to keep to the question.

Mr. Howe. I perceive the House grows very empty, so do our bellies. I pray you would adjourn for an hour.

Mr. Jenkinson. As to the order of the questions, I may compare it to an adjournment for a longer or a shorter time. The longest time should be first put; so this question, being the farther, as to the legal right; for, if they have a legal right, I can easilier give my vote for their continuance.

I move that the question be put upon the legal right, whether it shall be put.

Sir Walter Earle. The other question ought to be put, it being first moved, seconded, &c.

Lieutenant-general Ludlow stood up. It was cried, he spoke.

Lord Falkland. It is unbecoming the dignity of this House to cry, "He spoke, he spoke!" and not stand up and say how and what he spoke.

Colonel Birch moved for the question, upon continuance.

Lieutenant-general Ludlow. That gentleman in red moved contrary to what your sense is upon the whole debate. I move it be upon the legal right, lest we bring ourselves also to sit upon a prudential foot. I would have us all sit upon a legal foot.

Sir James Harrington. Justice should be our rule. When it is insisted upon by any member, that he is not satisfied

* See *supra*, p. 204.

unless the question of the legality be first put, we ought to satisfy one another. God judges amongst the gods. The question now offered gave your predecessor his death.* I move to have the question put upon the legality.

Sir Thomas Wroth. I highly approve your ingenuity, to say, if it were in your power you would put it upon the legality, which, in my conscience, is the most natural proper question.

He launched into the merit, and the Chair took him down.

Mr. Reynolds. I move that Sir Thomas Wroth be heard out. Some gentlemen (meaning Sir Walter Earle) took a liberty to stand up twenty times a day.

Sir Walter Earle stood up to vindicate himself, and to speak to the orders of the House.

Sir Richard Temple took him down to orders.

Mr. Speaker took them all down, and said, that worthy gentleman of the Long Robe might have forborne that expression of speaking twenty times.

There was a great noise and confusion, whether the young or the old knight should be heard.

Sir Richard Temple was heard first; and said it was a reflection upon Mr. Reynolds.

After Sir Richard Temple had done,

Sir Walter Earle went on.

I am willing to be called to the bar, if I offered you aught that was not for your service, or against your orders.

Sir John Northcote. I appeal, if there ought to be interlocutory discourses between members, as was between those two knights? If you keep us not to order, we shall not only spend our time, but our strength in vain. I am sorry you are hindered from putting the question.

Mr. Speaker said that the question he found, and must still affirm, is about the continuance.

Mr. Trenchard. I have heard that now, which I never in my life heard in Parliament. I move that the natural

* See *supra*, p. 160.

question is upon the legal right. That must first be determined.

Mr. Weaver. The question propounded was not the first question. That which, in your own sense, is collected, ought to be the question; that is, upon the legality.

Mr. Solicitor-General. Till the sense of the House be known by a determination, you cannot wave the question. You must, if it be insisted upon, put it upon the continuance.

Mr. Scot. By your own judgment the legal right ought to be put, else you leave things liable still to exception, and the Chief Magistrate under a doubt, whether to call them in this manner or no. He knows not what to do. He is in a snare. So the Scotchmen, they know not what to do, unless you resolve where the right is. If you put the other question, I can give my vote neither way. If upon the prudent account, I may give my affirmative. If upon a legal, I must give my negative.

Mr. Bence. I wonder those that had the power in their hands did so little contend for legal strict rules, and wave them so much then when they had the power.

He was taken down by the Chair.

Colonel Okey took exception against those reflections.

Mr. Bulkley took him down.

Serjeant Maynard moved to spare all reflections.

Colonel Eyre moved that the first question be put upon legal right.

Serjeant Maynard. You cannot recede from the question for continuance, till the whole House be satisfied to wave it.

He launched into the merit, and the Chair took him down; yet he went on, and was heard out. I could not well hear his motion. He concluded to put the question of continuance.

Sir Richard Temple moved for an addition to the question; that a bill be brought in for confirming their right.

Mr. Boscawen. I move that the question be, that they

continue to sit during this Parliament; for if your question be once put, that it shall be put, we cannot speak to the words of the question.

I am informed that most of them are chosen, neither according to the laws of Scotland nor of England.

Mr. Young. There can be no quorum of their election now, for the rules at the Committee of Privileges were, for a month to make their claim, and it is two months since.

The question was going to be put.

Sir Arthur Haslerigge. I have not spoken to the question, but only to the orders of the House. I move an addition, *viz.* "Having no legal right."

It seems, it was moved by Mr. Sadler; for he said this addition ought to be put, being firsted, seconded, and thirded.

Mr. Annesley. This is as disorderly an addition as ever was offered to you.

Mr. Salway snarled at it.

Mr. Howe and others, insisted upon it, to have the addition added.

Some had moved that nought might be offered that might make the House ridiculous.

Sir Richard Temple excepted against it.

Query, if Mr. Bulkley said it not, for he seemed to justify it.

Sir Henry Vane. Your question is upon persons continuing to sit as members, before you have determined whether they are members or no. Whether they are capable or no, or there be any other disability upon them, they shall continue sitting this present Parliament. There is a question upon their right; so that the addition is not improperly offered.

Mr. Swinton. I know not how to answer my trust, if I shall not speak my thoughts. Something of advantage is put upon the question. If it were put upon the right, I should be loth to give my negative to it; but, as it is stated, I shall not know how to give my affirmative. I would, therefore, have it plain and clear.

I am humbly of opinion, the way to do the Common-

wealth right, this House right, that nation right, is to put it upon a fair issue, whether they have a right, and ought to continue.

Mr. Swinfen stood up to answer Sir Henry Vane's objection.

Major Burton. We shall never have done if we sit thus to hear one answer another.

The question was put, if the question shall be now put.

Mr. Speaker declared for the *Yeas*.

Mr. Neville declared for the *Noes*.

The *Noes* went out, after a little dispute. Sir Arthur Haslerigge was appointed Teller, but would not come in.

Noes, 120. Sir Henry Vane and Colonel White, Tellers.

Yeas, 211. Mr. Annesley and Mr. Secretary Thurloe, Tellers.

So it passed in the affirmative.

Sir Henry Vane would have yielded, but the *Yeas* would not have it.

Sir Arthur Haslerigge, when he came in, said, "We have lost it by one hundred."

The main question was put, that the members returned to serve for Scotland shall continue to sit this present Parliament.

The House was divided. The *Yeas* went forth.

Mr. Serjeant Maynard and Mr. Bulkeley, Tellers for the *Yeas*.

Mr. Reynolds and Mr. Neville, Tellers for the *Noes*.

But, the *Yeas* being withdrawn, the question was yielded by the *Noes*. The *Yeas* were called in again, and it was

Resolved, that the members returned to serve for Scotland, shall continue to sit as members during this present Parliament.

Sir Thomas Willis, *Ralph Delavall*, *Philip Howard*, and *Sir Christopher Wyvell*, were against the question. Lord Swinton was withdrawn.*

Sir Arthur Haslerigge and *Mr. Neville* presently moved that the legality of the Irish members be first debated. It was to prevent precedency of the prudential part, as was

* See *supra*, pp. 187, *ad fin.* 214.

in the case of Scotland, which had only primogeniture to plead for it.

It was endeavoured to justle out that motion with other matter, as to the last business, and that a bill be brought in to confirm the right of Scotland. The House sat till almost four, and adjourned the debate at large.*

* "The courtiers," says Mr. Bethel, "after they found the want of law, made prudence their refuge, arguing that for the obliging the Scotch and Irish nations, their members ought to be admitted. To which was answered, that nothing could be more provoking to those two nations, than fraudulently to give them the name of having members in Parliament, when in truth, by their late elections, they had few or none, most of them being chosen at Whitehall, whereof some had even never been nearer Scotland, than Gray's-Inn.

"Yet the question was at last brought barely on, whether the Scotch and Irish members should sit, or not; and by the help of their own votes, (who were, contrary to common justice and right reason, suffered to vote in their own case,) it was carried in the affirmative, that they should sit in Parliament." *Brief Narrative*, pp. 348, 350.

"We endeavoured," says *Ludlow*, "to remove the Scottish and Irish members, who had intruded themselves into the House, and to have the question put, 'whether those members chosen by Scotland, ought, by the law of the land, to sit as members of this Parliament.'

"The court would by no means permit the question to be put in this manner, but moved that it might be thus proposed, in the following words: 'whether the House thought fit that those returned from Scotland, should sit as members of this Parliament?' By this means, turning a question of right into a question of conveniency.

"Because our question was first proposed, we insisted that it might also be first put; and likewise moved, that those sent from Scotland and Ireland, being the persons concerned in the question, might be ordered to withdraw, and not be permitted to sit judges of their own case: and this we thought we might with more reason demand, because their own party had already waved the legality of their election, by the form of words they had used in the question they had proposed. But the pretended members for Scotland and Ireland, except Mr. Swinton, who modestly withdrew, [see *supra*, p. 219,] as they had debated their own case with much confidence, so, by the support of the court, they resolved to decide it in their own favour.

"When we saw ourselves thus overpowered by violence and number, we had the question put for leaving out the words, 'by the law of the land,' which, being carried in the affirmative, and therefore to be entered in the Journal, we let fall words in the House to insinuate that they

It happened in the Council Chamber that some hot words passed from a member to Sir Arthur Haslerigge. He told

were not a legal Parliament, having no countenance from the authority by which they acted.

"As to their prudential way of admitting the Scots and Irish, on the account of conveniency, we said, that the laws of this assembly, though it were granted that they were a legal Parliament, would not bind the people of Scotland, who are not governed by the Common Law of England; and therefore, that it was unreasonable that those chosen by that nation should have any part in making laws for the people of England: and that it was intolerable, that they who had fought against a Commonwealth, should be consulted with in the framing our constitution, and so vote us out of that with their tongues, which they could never fight us out of with their swords. But all our arguments were answered by calling for the question, which they carried by a great number of votes." *Memoirs*, (1698,) ii. 626—628.

"H. Cromwell, Lord Lieutenant of Ireland," thus communicates "to Secretary Thurloe," his apprehensions as to the unfavourable result of these discussions:—

"March 21, 1658-9. It is no wonder that *magni conatus* should *nihil agere*, where there are so many actors, one against another, what is done being only the act of that little difference of power, whereby the predominant party exceeds the other. My opinion is, that any extreme is more tolerable than returning to Charles Stuart. Other disasters are temporary, and may be mended, those not." See "Thurloe State Papers," vii. 635.

"General Monk," not yet prepared to declare for Charles Stuart, though not ill disposed to improve an opportunity, either in behalf of Charles Stuart or of himself, (see *supra*, p. 50, *note* †,) thus expresses "to Secretary Thurloe," his "good will towards his Highnesse," and a loyal anxiety for the stability of his government; commencing, like most hypocrites in an age of religious profession, with the attractive language of prayer and piety:—

"Leith, March 22, 1658-9. I am sorry to heare your debates are so long, and your businesse goes soe slowlie on. I pray God, unite your hearts, soe that you may settle things that may be for his glory, and the peace of the nations.

"I much wonder they should question the Scotch Commissioners to sit in Parliament, being the country is united to England. I am sorry to heare that any of the Scotch officers should be acting to divide and distract you. I could wish you had written to mee the names of them.

"I heard of Colonel Ashfield and my Lieutenant-colonel; and if

him that all the laws made in the *fag-end* of the Long Parliament were not of force, and spoke very reproachfully of that Parliament; and told Sir Arthur Haslerigge that it was he that endeavoured to make himself and Sir Henry Vane the great Hogen Mogens, to rule the Commonwealth. The same expression as to those words, *fag-end*, happened to be said in the House.*

The member that ruffled Sir Arthur Haslerigge thus, was of no great quality. He took it heavily out, and wished he

there be any more, I shall desire to heare their names, and I shall write to them. If they were heere, these two could signifie but a little, as little as any two officers in Scotland; but I could wish his Highnesse would command them away to their commands, which I think would bee the best course.

"As to what they are pleased to say, that the rest of the forces in Scotland are of their opinions, I assure you, that they are much deceived; for there are no forces can be quieter than these are, and shall bee satisfied with any thing his Highnesse and Parliament shall settle. And thus much you may be confident of." *Ibid.* p. 638.

"Colonel Ashfield," is named by *Ludlow*, first of "the officers," of whom "one party, known to be well affected to the Commonwealth, chiefly consisted." Of this officer, *Ludlow* adds the following anecdote:—

"Colonel Whalley, whom Richard had lately made Commissary-general of the horse, meeting with Colonel Ashfield, in Westminster-Hall, and discoursing with him concerning the other House, about which their sentiments were very different, the Commissary-general fell into such a passion, that he threatened to strike the Colonel, who thereupon daring him to do it, Whalley chose rather to make his complaint to Mr. Richard Cromwell. Colonel Ashfield being summoned to appear, the pretended Protector threatened to cashier him as a mutineer, for speaking in such a manner to a general officer of the army. But the Colonel desiring a fair and equal hearing by a council of officers, he was ordered to attend again. At the time appointed it was contrived that Colonel Gough, Colonel Ingoldsby, Colonel Howard, Lieutenant-colonel Goodrick, and other creatures of the Court should be present to decide the matter in dispute, who unanimously enjoined Colonel Ashfield to acknowledge his fault, and to ask the Commissary General's pardon for the same: but their endeavours herein proved ineffectual, for the Colonel denying that he had offended the Commissary General, refused to desire his pardon." *Memoirs*, ii. 632, 633.

* See *supra*, p. 209.

had been hanged up, and three or four more, and their posterity rooted up, rather than have acted so highly, and now come thus to be reproached. The great things of taking away kingship, House of Lords, war with Scotland and Ireland and Holland and public sales were all in that time.

This was presently noised abroad, and very ill resented by the army.* I doubt it may breed ill blood; for every man that acted, begins to say, "What did I do in that fag-end of a Parliament, and how shall I be indemnified but by my sword? We will not give the cause away."

Never did two words work such an alteration in one day in the face of affairs. Query, the consequence? if not appeased.

No Committees sat, it was so late; though Mr. Bacon attended in the House.

Tuesday, March 22, 1658-9.

I came late.

Mr. Boscawen was reporting from the Committee of Elections and Privileges. The case of Poole was clear against Colonel Fitz-James, and he withdrew.

Serjeant Waller presented the report for Colchester. Some moved against it, in regard it was long. It was to void the

* "The army," however, at this time, according to *Ludlow*, was "divided into three parties, and neither of them much superior to the other in number.

"One party was known to be well affected to the Commonwealth. A second party was known by the title of the Wallingford House or Army-party, who had advanced Mr. Richard Cromwell, in expectation of governing all as they pleased.

"The third party was that of Mr. Richard Cromwell, who, having cast off those that had taken the pains to advance him, joined himself to men that were more suitable to his inclinations; particularly those that were officers in the Scots and Irish forces. But his Cabinet Council were Lord Broghill, Colonel Philip Jones, and Dr. Wilkins," afterwards Bishop of Chester. *Memoirs*, ii. 631, 632.

election of Maidston and Barrington, and to make good the election of Shawe and Johnson; but specially reported.

The Committee made no judgment in it; but the House finding an express judgment formerly in the case, made the election of Maidston and Barrington void according to the sense of the Committee, and the other good.

A Petition was presented from Carnarvon, touching the undue election of Mr. Glyn and Mr. Williams.

A debate arose, whether the Petition should be received, in regard the time was elapsed; claims being to be made within a month.

Sir Henry Vane and *Mr. Reynolds*, and others. You are masters of your own orders, and may dispense with them.

Sir Jerome Sankey. It is fit to retain the petition. I doubt the malignants there were trumps. (He being some time employed in reducing those parts.)

Bodurda, *Trevor*, and *Carter* defended; but all will not save committing it.

Major Burton. I move to have the veil taken off. It was a work of darkness, and abhorred to come to the light.

Sir Henry Vane. Though there is a time limited at the assizes, for a man to put in his record; yet, if he do neglect, he loses not his cause, but may bring it on, the next assizes.

An argument on the other side was, that he might have been chosen in another place, if the Petition had come in, in time.

After an hour's debate about it, it was read, intituled "the Petition of Thomas Madrin, against the election of Mr. Glyn." It sets forth, that it was by a letter from a great person, by combination of the malignants, and that he is an infant under age. The poll was denied, and great disorder at the election.

Sir John Carter excepted against it, as being full of lies, and no hand to the Petition.

The gentleman that presented it said, one was ready at the door to sign it.

The order of the day was called for.

Mr. Weaver moved to refer the Petition to the Committee of Privileges; and it might be signed afterwards.

Mr. Disbrowe. I look upon all petitions unsigned as blank paper. It came in irregularly.

Colonel Allured. I move that the rest of the day be spent in reports from the Committee of Privileges; in regard, as the Chair informed the House, the debate was not adjourned yesterday.

Major Burton. I move that Mr. Streete's report* be heard.

Sir Henry Vane. I move to put the business of the Irish members off your hands. I would fain hear what legal right they have.

Mr. Trevor moved to put it into a way of debate.

Colonel Clark. I move, in regard the day is spent, that you would go on to receive the report touching Mr. Streete. It has laid a long time before the Committee.

Captain Baynes. I would not have you now go on with the debate about the Irish members; but would have you agreed of a question to be stated, whereon to ground your debate. I would have the question worded, before you rise, lest to-morrow be spent in it.

That about the legality and right was first moved.

Colonel Parsons. I move to deal no less kindly with the Irish than with the Scotch. They are all English. I would have the same question.

Mr. Broughton. I move that it be upon the continuance.

Serjeant Seys. I move that the question be upon their continuing or sitting. Amidst that debate of Scotland was squeezed out a question about their withdrawing.

Mr. Neville. I move to confine your debate to the legal; and go on to your point of prudence afterwards.

Mr. Annesley. Methinks you should have a little respect to Ireland, that they should, at least, have the same law with Scotland. They are your own flesh. I do not reflect upon Scotland, but Ireland, I hope, has something to say for their

* See vol. iii. p. 435.

right; and though Scotland cost you fourteen days debate, this may haply be done before you rise.

Sir Anthony Ashley Cooper. You ought, in all reason, to go first upon the legality. It will be much clearer and distinct. Then go to the convenient part.

Mr. Disbrowe. I cannot understand why the House of Parliament should bind up their hands against all consideration of equity, and go barely upon the legal. If the same question be put for Ireland, that they shall continue to sit, will any reason judge that the Parliament would admit them to continue, if they had no right? It clearly implies the consideration of a right.

Consider the ingenuity, only to take one part and leave out another. Do you not, in all cases that come before you, consider as well the equitable as legal part? Some think they have a legal right, others upon equity, yet all agree they shall continue to sit. Equity is as much justice as law, and will hold as well by God's laws, and man's laws, and all laws, as justice. I would have you not to tie up your hands from consideration of either, but consider the whole matter.

Mr. Speaker, out of the whole, offered a question, viz. whether the thirty members returned for Ireland have a right to sit and serve as members during this present Parliament.

Colonel White. I never heard the sense of the House gathered, before the debate. First, admit the debate upon the merit of the cause, and then collect the question.

Mr. Solicitor-general. It bars men of their reason in the debate, to propound a question before the debate be laid down.

Mr. Sadler. If there be a question that we may all agree on, there need no debate. It were for your service, if I could offer it. I differ from every motion that has been made. I am neither for adjourning, nor for stating, a question; and yet I can agree to what has been said in this debate. I am against tedious debates. It is easy to propose what might take away the subject of the debate. As God has given me a body made up of contrary principles, so contrary motions are in my mind, hot and cold.

I should take it unkindly for you, if you should wave the right from the question, and have it in the debate.

I have read an epitaph, which I have often thought of in this debate. It was, "Wise and valiant dust, huddled up between fit and just."* So huddle up this between fit and just.

They that sat in the last Parliament had a right during the life of a great person; and if he had been alive, none durst have questioned it. I think, that life being gone, that they have a good title by law: *Jus occupantis.*

I am heartily glad to admit the Irish to a more equitable right than the Scotch, though the Scotch, haply, have a better possessory right than they. Seeing God, in his wisdom, hath determined this in an appeal to God in a battle, I look upon it as so coming into a Parliament House. The Irish are better Englishmen than I; I was against your question yesterday, because I thought it not honourable, but I shall now acquiesce. I heartily desire, for husbanding your time, you would even put the very same question. I hope there will need no debate. I was so unhappy to think the contrary with Mr. Disbrowe, that rather no right was implied.

We marvel you are perplexed in your debate when you are implexed in your results. My short motion is, without any more ado, to put the same question, and debate it not at all. But, if you come to spend days in it, and then wave just, and right, and fit, whether is this for your honour, or no. I think you may justly, for this time, make a standing rule, that a debate shall not last above two or three days; yet it is not your unhappiness that there are different principles. It agrees with the *temperamentum* and *pondus justitiæ.*

Mr. Speaker took him down.

Sir Henry Vane called him up again, and said, "None of us are wiser than God has made us."

Mr. Sadler went on and said, he was sorry to make use of that part of Scripture, "Hear some men gladly." Those that would enslave you, to hear them gladly. I am sorry

* See *supra*, p. 156, *ad fin.*

that you have so much impatience to hear me. I would have you make a standing order, that this debate shall not hold you above ten days, if you will not make that your question, which I formerly propounded.

Mr. Higgons. I second that motion, that the question be the same.

Mr. Godfrey. I move, not to go so fast, to come to a question before you have had any liberty at all to debate the right. Till then, you will find that you will be but hindered in your debate. I would not have it appear on your books, that the question differs; if, upon the debate, it appears to be the same, or alike. I would that your proceedings be uniform, that the debate may be adjourned in general; that your debate shall be, touching the sitting of the members returned to serve for Ireland.

Mr. Scot. Though you see your former ovils, yet you will shipwreck upon the same mischief. What variety of debate were we led into? You were pleased to say yesterday, that, but that you were tied up to the first question, yet you were free to propound another question. As to the right, *ubi eadem ratio, eadem lex.* No question but the Irish members have a natural right. They skin off your skin, and if once the legal right were over, the other right would be admitted in an hour's debate. *Jure dato*, that granted, the business is at an end, as to all future debate. For men to think to carry it by vote, and not by reason, is no good foundation for a right. To huddle up just and fit together. Do that which may justify you before the world. I would have the Parliament of England speak plain English, and not go by implication, that the Chief Magistrate may know what he has to do. Dark foundations leave things dangerous. If your militia and negative voice had not been upon such a foundation, laid in the dark, you had had no war. The same question will be revived next Parliament. I owe more honour to the Parliament of England, than to any single, or other person whatsoever. Let the Parliament be thanked for it, and not the single person.

Colonel Birch. It is against the order of the House to re-

flect upon your debates; to say they are carried by votes, and not by reason. I think all your results are carried by reason. I would not have you proceed upon the legality, which is but one reason; not the tenth part of the reason. Let your debate be upon the sitting of the members. For the other part, I leave it to you.

Mr. Weaver. I did not reflect upon your results, but advised that they might be carried by reason, and not by vote; and so do I advise. For the other part of the motion, I would have you go upon the legal part. It was moved yesterday and to-day. You know what debate the word "concerning," cost you.

Mr. Attorney-general. If you engage yourselves in this debate, to carry it on thus in parts, I know not when you will end. I would have it go as general as may be. I expected some healing question from Mr. Sadler. We are brethren. I would have us (as was moved) agree together in unity. We all agree there is some lameness and defect in the law. Let it be amended. I would have all these debates ended in one Bill, that we may go on to the settlement of the Commonwealth; and would that you have the honour of it. If you admit it upon the legality, you go but upon one reason. I would have it go in the general.

Sir Henry Vane. If it be carried in the negative, that they have no right, I question whether any vote of yours can make them members. If they be not legally sent, you cannot make them legal. Let it be admitted that they have no right, and none will oppose bringing in a Bill.

Ireland was but a province. They had power then to have a Parliament,* and the royal assent came from hence. They are still in the state of a province, and you make them a power, not only to make laws for themselves, but for this nation; nay, to have a casting vote, for aught I know, in all

* "Ireland," says Mr. Molyneux, "cannot properly be said so to be conquered by Henry II. as to give the Parliaments of England any jurisdiction over us." See "The Case of Ireland's being bound by Acts of Parliament in England," (1719,) p. 10.

your laws. Such a high breach of Parliament never was, like this of the Chief Magistrate imposing members upon you. It changes the very constitution of a Parliament of England. You make yourselves a General Council, and cease to be a Parliament. How, then, can you carry on the settlement intended? There will still be a worm at the root.

I would either have their right asserted, or ingenuously acknowledge they have no right. A bill will not do it till this be determined.

Mr. Trevor. I rise not to speak to the matter of the debate. Ireland is not now a province, as it was when it was conquered. They are all Englishmen there.* Will you have Scotland to impose laws upon Ireland, and they have no power in the legislature in themselves? I would have you go upon the debate in general, and not debate any particular.

Mr. Reynolds stood up.

Mr. Speaker took him down, and offered the question in general as to the sitting.

Mr. Reynolds. Seeing you are an English Parliament, let us speak plain English. It was told you, that the Chief Magistrate had a prerogative right to send for three hundred members from Scotland and Ireland. I say it is a fundamental right of an English Parliament not to be imposed on. I cannot consent to put it upon the sitting; but upon the legal right, I shall.

Lieutenant-general Ludlow. That gentleman is mistaken. If you adjourn generally, you are as much bound to put the question concerning the right as you were to put it upon the continuance; for this was first moved.

Mr. Jenkinson. The words, "legal right," are captious words, but that of right is a fair question, and takes in both law and equity. I would have you adjourn the debate touching the sitting.

* "The great body of the present people of Ireland," says Mr. Molyneux, (in 1698,) "are the progeny of the English and Britons, that from time to time have come over into this kingdom; and there remains but a mere handful of the antient Irish at this day, I may say, not one in a thousand." *Case of Ireland,* p. 12.

Mr. Nathaniel Bacon. I move to debate upon the general, and not to go upon the right. How many questions will rise if you go by these steps. Every man will take a liberty to speak over again. I would advise it, together, in the same manner as formerly, in the case of Scotland.

Mr. Goodrick moved to put the debate generally.

Sir William D'Oyley. The House grows thin. I would have you adjourn the debate, and say no more.

Sir William Wheeler moved that it be adjourned upon their sitting.

Mr. Speaker offered it, as to their right of sitting.

Colonel Allured and *Colonel Mildmay* moved that it be upon their right of sitting.

Mr. Gott. To adjourn it upon the sitting, does it not take in the debate upon the right?

Mr. Broughton again moved, upon the right, which is clearest.

Mr. Godfrey moved, to adjourn generally concerning this sitting.

Mr. Neville. I would have you lay a foundation for your debate, (*i. e.*) upon the right, and not hunt two or three hares at once.

Mr. Gewen. The right of the Scotch and Irish members was debated together a whole day. I move it may be upon the right of sitting.

Mr. Bodurda. I have not that faculty,* as Sir Henry Vane, to speak to the order, and go into the whole matter, and say whatever can be said to it. I would have the debate adjourned, generally, upon the sitting.

Sir Anthony Morgan. When you have framed your question as is propounded, you do, in a manner, resolve the business. Leave it rather, generally. The House is thin.

Mr. Hewley. I move that the words "right" and "sitting" be both left out, and to adjourn only about the Irish members.

Mr. Sadler. I am against the word "right." If, in the affirmative, it pass, you wrong the Scotch. If in the ne-

* See this Speaker's "faculty" of listening, Vol. iii. p. 136, *note*.

gative, then you wrong yourselves; that though they have no right you will admit them to sit, be it upon prudence or otherwise, it is not honourable for you.

I move to change your question quite; and instead of "concerning," insert "about," because it is the way about; and instead of "right" put in "wrong;" and so make it "about the wrong sitting of the Irish members."

He withdrew as soon as he had said it.

Mr. Speaker excepted, and said none ought to impose a ridiculous question upon the House.

Colonel White. Leave out the word "right." I know no right to sit in Parliament, but what is a legal right.

Mr. ———*. I move that the question be, whether they have a legal right or no. I hope it will not be admitted to be in the power of the Chief Magistrate to impose members upon you, as he pleases.

Mr. Trevor stood up to speak.

Major Burton took him down, and said, we did not sit to hear one man speak six times.

He went on and spoke to the words of the question.

Major Ashton. You are, yourself, under favour, mistaken in the orders of the House. You can raise nought out of the former debate when Scotch and Irish went together, but what rises out of the debate to-day.

Mr. Speaker took him down, and said, he rose to speak to the order of the House.

Mr. Reynolds. You did very justly and truly state it. That which was first and second, and twentieth, was upon the legal right. You cannot but do the House that right as to put it upon the right, or, at least, whether it shall be put or no, and so let us rise.

Sir Henry Vane moved for the two words "legal right" to be in the question.

Mr. Hewley. I move to leave them out. The democratics of our age went upon another principle.

Mr. Ditton. I moved to adjourn the debate, in general, upon the sitting only.

Mr. Speaker. I must do right to both. If it pass in the

* Blank in the MS.

negative as to the legal right of sitting, then I must put the next question upon the continuing to sit.

Mr. Fowell moved to adjourn it generally; *viz.* upon the Irish members.

Mr. Godfrey stood up again.

Colonel Terrill took him down, he having spoken thrice.

Major-general Kelsey. It is insisted upon, and you must put it upon the right.

Mr. Attorney-general. It is best to leave it generally; but, if insisted on, it must be put. I shall give my negative.

Mr. Annesley. I consent to put the addition. There will be no danger in it. I hope it will not pass, and that the House will also lay it aside, as in the case of Scotland.

Mr. Speaker stood up to propound the question. He looked most severely.

The question was propounded, whether those words, legal right, shall be added as part of this question, after the word "concerning."

The question was put if the words "legal right" shall be added to the question.

Mr. Speaker declared for the *Noes.*

Mr. Jennings, Jun. declared for the *Yeas.*

The *Yeas* went out, *Mr. Wharton, Lord Fairfax, Colonel Hacker* with them.

Yeas 95. Mr. Jenkinson and Colonel Mildmay, Tellers.

Noes 150. Sir Jerome Sankey and Colonel Cook, Tellers.

So it passed in the negative, and the debate was adjourned, concerning the sitting of the members returned for Ireland.

Mr. Speaker gave it as the orders of the House, that no members go out till the main question was put.

Mr. Trevor moved that the question be for the continuance.

Sir William Wheeler and others. You cannot alter the words of the question.

Mr. Attorney-general agreed that you could not alter the words of the question.

Sir Henry Vane. You have excluded a debate upon the legal right; but,

Mr. Speaker moved that he led the House into a mistake,

for though they left the words out of the question, yet the right might be taken into debate, notwithstanding.

Upon the general sense of the House it was agreed that no words could be altered in the question; so the debate was adjourned thus, viz. concerning the sitting of the members returned for Ireland.

The House was but thin, rose at two. Sir Arthur Haslerigge was not at the House to-day. The Chair's severity was much noted. He answers almost every body.*

* "Mar. 22, 1658-9. Lord Fauconberg to H. Cromwell.

"The debate concerning the Scotish members, came not to a result till last night. It was carried by many voyces, they should sit with the English next Parliament. The Irish, it is conceived, will be this day's work; but how many more, he must be a very wise man can tell.

"It is confest by all, there never was a freer Parliament. If they settle us, the mouths of our bosome enemies will be stopped. 'Tis apparent, how hard they stickle to impeade all; but I hope God will disappoint all such councils." See "Thurloe State Papers," vii. 637.

"Whitehall, March 22, 1658-9. Secretary Thurloe to H. Cromwell.

"The Parliament hath made one step touchinge the Scotch and Irish members. The last night they voted, that the members returned from Scotland shall continue to sit in the present Parliament; and this morneinge wee entered upon the debate of the Irish members, and have proceeded so far as to vote, that it shall be noe part of the question, wheither they be legally returned. This difficulty grew upon this. Some would have the House goe upon the meere right and lawe in the determination of this question. Others would have it a mixt consideration, takeing in lawe, equity, and prudence: *et si singula prosunt, juncta juvant.* Soe that wee hope this of Ireland will have as good fortune as those of Scotland.

"When this is over, wee shall then returne to our great question of transactinge with the other House. The greatest objection to it is the 1,300,000*l.*, which cannot be lessened but by consent of the other House. And that they will never give their consent to, because it must take away their pay, most of the House beinge officers. But all is done that may be, to give satisfaction in that. It is a miracle of mercy, that wee are yet in peace, consideringe what the debates are, and what underhand workeinge there is, to disaffect the officers of the army; but, for aught I can perceive, they remeyne pretty staunch, though they are in great want of pay, for which noe provision is at all made, nor do I see that wee are likely to have any yet." *Ibid.* p. 636.

"At the Council at Whitehall, Tuesday, March 22, 1658-9.

"Whereas,

The Committee of Privileges sat first in the Star Chamber, then in the House.

Mr. Serjeant Waller was in the chair, on the business of Colonel Fielder. I could not, because of letters, tell the event. I could attend no other Committees.

Wednesday, March 23, 1658-9.

I came late and found the House in debate upon the report touching Dartmouth. The question was, whether the borough by prescription, or their corporation should choose.

The Report of the Committee was against the inhabitants, and two hours debate were spent about it. The question was put to agree with the Committee.

Mr. Speaker declared for the *Noes*.

Colonel Clark declared for the *Yeas*.

The *Noes* went out.

"Whereas, his Highness and the Council have been informed, that divers ships of war in the river of Thames, and other ports of this nation, are preparing to be set forth under the command of divers persons, subjects of this Commonwealth, pretended to be imployed in the service of foreign Princes and States, without leave of his Highness or the Council, which may be prejudicial to this Commonwealth;

"Ordered by his Highness the Lord Protector and the Council, that the Commissioners of the Customs be, and are hereby required and authorized to make enquiry after, and lay an embargo of all such ships in the river of Thames, or elsewhere, within the ports of this Commonwealth, until his Highness and the Council shall be satisfied concerning the service wherein such ships are intended to be employed, and give licence therein. Hen. Scobell, Clerk of the Council. *Ibid.* p. 638.

"At the Council of Whitehall, Tuesday, 22d March, 1658-9.

"Ordered, That it be offered to his Highness, as the advice of the Council, to recommend, in the best manner, the common cause of the churches and Protestants in Poland, to the King of Sweden, that in any treaty of peace between him and the King of Poland, the said Protestants and their liberties, in their own country may be included and secured, and as good terms made for them as may become a Protestant Prince. Hen. Scobell, Clerk of the Council." *Ibid.*

Noes 119. Sir John Northcote and Mr. Reynell, Tellers.

Yeas 113. Mr. Higgons and Sir Walter St. John, Tellers.

The question being put to agree with the Committee, it passed in the negative. The next question moved was to recommit it.

Sir Henry Vane moved to assert the right of the people, and save your Committee a trouble. "A fundamental right in the people cannot be taken out by any charter or corporation whatsoever."

The Lord Marquis of Argyle came in this day He went out with the *Noes*.

Mr. Turner. I move to clear it, whether it be a corporation, or a borough by prescription.

Sir Arthur Haslerigge. I have heard it often asserted in this House for law, that the fundamental right of the people could not be given away. It was theirs by the law of nature.

Major-general Kelsey. To save charges, I move rather to lay the business aside wholly. I am well satisfied with the report, and pray to put the question whether the inhabitants have a right or no. The competition laid between Boon and Thompson.

Colonel Morley. You are in the dark. I would, therefore, have it recommitted, lest, being not satisfied in the legality, you be put to dispatch this as you do other things in a *prudential way.**

Mr. Speaker excepted against it.

Lieutenant-general Ludlow moved to assert the right of the inhabitants.

But it was resolved, to recommit it upon the whole debate.

Mr. Streete stood up to have spoken. I suppose it was touching his own business.

The order of the day was read.

Mr. Speaker acquainted the House touching a mistake in the report about Poole, as if there had been two indentures; but there was but one, so the mistake was amended.

* See *supra*, p. 232.

After *altum silentium.*

Captain Hatsell. Divers gentlemen that serve for Ireland can speak well. I desire to hear what they can say for themselves; and first, as to the point of their withdrawing.

Major Ashton. The gentlemen that serve for Ireland come in obedience to your service. They are not Irish.* I am glad that we have that acceptation with the generality of this House. I shall speak to the matter.

I could willingly withdraw, as to any concern of myself, and durst well trust the House with my affair. But as I am a member for Ireland and an Englishman, I cannot. If it were either personal or criminal, the case were otherwise, but it is upon a constitution.

The members that come in for that place serve no more for Ireland than for England. The interest is twisted and complicated, as Lord Coke says. If we should withdraw, what representatives should we leave here, what would our country say, that we were complimented out of their right?

I desire to go on as to the matter of right. I shall state the matter, and pass no judgment.

True, Ireland was anciently a province. Henry II. went thither† and they made a resignation of their power to him,‡

* See *supra*, p. 230, *note*.

† In 1172, the date of "the first expedition of the English into Ireland." Soon after "Henry II. himself," says Mr. Molyneux, "landed at Waterford, with an army, and finding that his subjects of England had made a very good hand of their expedition, he obtained from Earl Richard Strongbow a surrender of Dublin, with the cantreds adjoining, and all the maritime towns and castles." *Case of Ireland*, pp. 4, 5.

‡ "All the Archbishops, Bishops, and Abbots of Ireland, came to the King of England, and received him for King and Lord of Ireland, swearing fealty to him and his heirs for ever. The kings also, and princes of Ireland, did, in like manner, receive Henry King of England, for Lord of Ireland, and became his men, and did him homage, and swore fealty to him and his heirs against all men. And he received letters from them with their seals pendant, in manner of charters, confirming the kingdom of Ireland to him and his heirs; and testifying that they in Ireland had ordained him and his heirs to be their King and Lord of Ireland for ever." *Ibid.* p. 7.

by confirmation of the Pope. He granted it to his son John* but so, *ut non separatur ab Anglia.*† King John went again into Ireland, and by Act of Parliament ordained that Ireland should be governed by all the laws of England.‡ This was left in Dublin Castle.

10 Henry VII. came in the statute of Poynings, which made the statute laws also the same in Ireland, only they had Parliaments, as being most fit for that nation.§

I shall disappoint many in my motion. I think it best that they should have Parliaments of their own for that very reason, that votes may not be imposed upon you here. There is a sea between us and Dublin. Divers that came hither to serve you, came with great hazard.

I must now tell you what the constitution of your affairs is at present. I look upon your arms || over your doors. I see nought belonging to an Union. When the war broke out in 17 Car., England had great care not to lose Ireland, and once had gained it almost all; till Ormond's and Inchiquein's revolt,¶ that you lost it all again but Dublin and Sligo.

* "As King of Ireland, at a Parliament held at Oxford, [Northampton, 1176.] Soon after, King John, being then about twelve years of age, came into Ireland. The Irish nobility and gentry immediately repaired to him; but, being received by him and his retinue with some scorn and derision, by reason of their long rude beards, *quas, more patrio, grandes habebantet prolixas,* they took such offence thereat, that they departed in much discontent." *Ibid.* p. 24. (*See Girald. Camb. Hib. Expug.* c. 35.)

† Rather, according to Mr. Molyneux, "by this donation, Ireland was most eminently set apart again, as a separate and distinct kingdom by itself, from the kingdom of England; and did so continue until the kingdom of England descended and came unto King John, about twenty-two years after his being made King of Ireland." *Ibid.* pp. 24, 25.

‡ "Ponens," says *Matthew Paris,* "Vicecomites aliosque ministros, qui populum regni illius juxta leges Anglicanas judicarent." This was in 1210. *Ibid.* p. 27.

§ "In a Parliament held at Drogheda, (10 *Hen.* VII.,) it is enacted, that all statutes, *late* (that is, *before that time*) 'made in England, concerning the common and publique weal of the same, from henceforth be deemed effectual in law, and be accepted, used, and executed, within this land of Ireland, in all points." *Ibid.* pp. 41, 42.

|| Of England, only. ¶ In 1648.

In 1653, you had a total recovery of that nation. You had no mind to lose it. An Act was made in the Little Parliament, 1653, which was a good Act to encourage your plantation there, and an act of distribution to the soldiers and adventurers. The first tax that was laid upon them was by that Parliament. Then came an ordinance of his Highness and Council.

Then comes the Parliament in 1656, and attaints all the rebels. Till then, there was no power to dispose of their estates. All was brought in to his Highness; 9,000*l. per mensem* imposed upon them, and on them to this day.

Now, if the Long Parliament, and all powers since, have the care of us hitherto, how come we now to be shaken off?

Will you lay a tax upon us, and we have no representatives? If the Petition and Advice be a law to impose new taxes on us, surely it is, as to our right of sitting here? You will either refund our money to us and give us a Parliament of our own, or else allow us our possessory right. We are not here as trespassers, but in obedience to your service.

Sir Thomas Stanley. I am not to speak for Ireland, but for the English in Ireland.

The burthen of assessments is insupportable, by reason of the inequality of the representatives, thirty to four hundred. It is impossible to make any addition to what has been said in the case of Scotland. The only difference is that they have an Act of Union. Ireland being more naturally united, and inseparably, in the substance, needs not so much the formality of a law. Language, habit, laws, interest, in every respect, the same in kind. They differ only in degrees, as a child does from a man. Ireland may say they were born free.

The members for Ireland, and the electors, are all Englishmen, who naturally claim a right to have votes in making laws by which they must be governed. They have fought your battles, obtained and preserved your interest, designed by the famous Long Parliament, obtained by blood, fought for by prayer solemnly. If it be approved, it may bring great glory to God, and good to this nation.

If upon a natural account, they have more equity than

Scotland, they have, upon a just account, as much right as they, except in a little formality.

Why then may not this House, that can do miracles, make infants men, bastards legitimate, bondmen free: why may they not do ordinary things? They have done that for Scotland. They being both one thing, why should not they be put both in one case? As to the point of withdrawing, when your sense is known, I shall freely submit.

Captain Whalley. It is a maxim in Parliament, *equitas sequitur legem.*

I found not much in it.*

Mr. Annesley. They desire to hear what is objected against their right, and they will answer it as well as they can.

Mr. Speaker was going to put the question.

Mr. Weaver stood up. I should have been glad to have heard what right in law they have to sit. Nought is offered yet, as to the legal part.

There cannot be a greater violation of the rights and liberties of the people, than to bring in persons hither to impose laws upon you. I have a particular relation to that nation, and shall serve them in aught, but cannot admit them to sit, till you declare it by law. I would rather they should have a Parliament of their own.

I shall acquiesce in your vote for Scotland, though I must still say they have no right of law.

I would have your question, upon the legal right of the Irish members.

Mr. Gewen. It were better both for England and Ireland that they had Parliaments of their own. I know not if it is meant that *salus populi* is for England or for Ireland. The native liberty of the people, is to be bound by no laws but such as they make themselves. That which hath been done, may be done. If fifty could make a law,† well may sixty, if they watch their opportunity. Have we not taken an oath to maintain the rights and liberties of the people? Is not

* Meaning, I suppose, his speech. † See vol. ii. p. 119, *note* *.

this the right of the people to have none but themselves to impose laws upon them?

Venienti occurrite morbo. It is neither safe, just, nor honourable to admit them. Let them rather have a Parliament of their own.

Mr. Slingsby Bethel. The first question moved was about their legal right. I pray that may be the question.

Mr. Thomas. No man here but is sworn, by covenant or otherwise, to maintain the privileges of Parliament. How does that consist with our privilege, to admit strangers? I would gladly hear what legal right they have. I never knew any admitted upon a prudential right.*

Mr. Annesley. Divers things ought to be considered before you put the question. I shall not dispute the legal right. I cannot find a law for it. You have voted those words out.†

England is in no danger of thirty members from Ireland; but if thirty from Scotland should join with them, much mischief might ensue. Whatever has been offered as to the right of Scotland is the same for Ireland, except that of the Act of Union, which is not admitted for a law. If you speak as to the conveniency in relation to England, much more is to be said why they who serve for Scotland should sit here. It is one continent, and elections are easilier determined; but Ireland differs. It is much fitter for them to have Parliaments of their own. That was the old constitution. It will be difficult to change it, and dangerous for Ireland. They are under an impossibility of redress.

There is no way to punish judges in case of bribery. To come over here to complain he must bring the justice of his cause. No taxes can be abated, impose what you will.

Anciently, on records, we find that the records of Ireland would never be trusted by sea. Shall we now trust the people, and would not trust the parchments? Ireland must have the disadvantage every way.

As you are reducing yourselves to your ancient consti-

* See *supra*, p. 232. † See *supra*, p. 233.

tution, why has not Ireland the same? Why not Lords and Commons there? They have owned the single person. They never forfeited their right. Nothing hinders their restitution but the thirty members coming hither.

Their grievances can never be redressed. Elections can never be determined. Though they were but a province, there were their courts of justice, and Parliaments, as free as here.

Nine thousand pounds *per mensem* upon them, and but six thousand upon Scotland; very disproportionable. I shall have my share, what interest soever prevail, whether England or Ireland. You go about to make them foreigners. Scotland pays no customs. Ireland pays not only customs, but increase of customs: 2*s.* a beast in Lord Strafford's time; and now 6*s.* 8*d.* is exacted.

I pray that they may have some to hear their grievances in their own nation, seeing they cannot have them heard here.

Mr. Hewley. I move, first, to assert *Magna Charta*, the Petition of Right, and propositions sent to the King.* Settle your own foundations before you take in this: Let some application be made to the Protector, to know why these men are brought in upon us; or rather, apply to the Great Protector. Seek God, lest we be in confusion before we be aware!

Sir Arthur Haslerigge moved to adjourn.

He was called to speak to the Chair. He said he looked on nobody but the clock. The reason of looking to the Chair was that one might not brow-beat another; and because we were to speak to the Chair.

I am ready to give my negative to what I have heard from Mr. Annesley, that there is neither law nor justice in it. I see the House in a great musing. The Committee of Grievances are to sit this afternoon.

Sir James Harrington. I move to adjourn till to-morrow. Yesterday you left out law; now it is said there is no reason.

* See vol. iii. p. 366, *note* *.

Mr. Bristow. If there be no law, there is more equity. If you please, put the question for their continuance, this Parliament, and bring in a Bill to confirm them.

Mr. Neville moved to adjourn, because divers were to speak.

After a little debate about adjourning, the question was put, if the question for the continuing of the Irish members shall be now put. It passed in the affirmative.

The main question was put.

Mr. Speaker declared for the *yeas.*

Mr. Reynolds declared for the *noes.*

The House was divided. The *yeas* went out, (*contra* in the case of Scotland) per Speaker's mistake.

Yeas 156. The Earl of Linlithgow and Mr. Secretary Thurloe, Tellers.

Noes 106. Lord Lambert and Mr. Annesley, Tellers.

So it was resolved that the members returned to serve for Ireland shall continue to sit as members in this present Parliament.

Colonel Birch, Mr. Trevor, Mr. Secretary, Mr. Bodurda, and others, moved to resume the debate about transacting, &c. to-morrow morning, and nought to intervene; but after half-an-hour's debate it was laid aside: and the House adjourned generally till to-morrow morning at eight.

Colonel Morley admitted it to be an old question, but it might be dressed up with several new additions. He would not have us surprised; nor our debate locked up.

The House rose at two. The Chair behaves himself like a Busby* amongst so many school-boys, as some say; and takes a little too much on him, but grandly.

The report of Haslemere, in Surrey, was made. Hooke was cast out, and Westbrook admitted.

The Grand Committee of Grievances sat.

* Dr. Richard Busby, Chief Master of Westminster School for fifty-five years, being appointed in 1640. In that capacity he walked in the procession at the funeral of the late Protector. He died in 1695, aged eighty-nine. His name appears already to have become, as it still continues, proverbial for magisterial severity.

Colonel Terrill was in the chair.

Lady Conwath's Petition was offered, and Lady Worcester's report* offered *per* Mr. Baldwin, but both put off till to-morrow.

There was a very numerous Commiteee, and Lady Jermyn's title to the office† was discussed at the bar by all sides. Query, of the event? Lady Withrington told me her title was very clear.‡

Thursday, March 24, 1658-9.

I came late. The report touching Mr. Streete§ was made and recommitted; on pretence of the Petitioners to offer new matter.

Mr. Streete offered to speak; but was not heard.

Query, how the debate was carried? and see *per* Diurnal what reports were made. If I do omit it in this, see there.‖

Sir Jerome Sankey. I open the highest charge against a member of this House that ever was; such news has not been of a long time; a high breach of trust. It is against a great person.

* See *supra*, p. 119. † Of Chief Register.

‡ This question was thus determined next year, by the restored Long Parliament, after Monk (as the *finale* of his intrigue for Charles Stuart,) had replaced the secluded Presbyterians, who presently passed "a Bill for conferring of 20,000*l.* on Captain General George Monk, for his signal services;" and invested him with the stewardship of Hampton Court and its appurtenances:—

"March 15th, 1659, 60. Resolved, that the difference between Walter Long, Esquire, a member of Parliament, and the Lady Jermyn, and her children and trustees, touching the office of Chief Register in Chancery, be, and is hereby referred, by consent of all parties, unto Denzill Hollis, Esquire, and Sir Harbottle Grimstone, finally to hear and determine the same, if they can; and if they cannot determine the said difference, then that they two do choose an umpire. *Journals*, vii. 877.

§ See vol. iii. p. 435. *Journals.*

‖ Nothing farther appears in the *Journals*.

The charge consists of several articles. 1. Bribery. 2. Ingrossing monies and lands. He is both cook, caterer, and hunt; is commissioner and surveyor; has had the disposing of two millions of acres of land. He is a man of great parts, but has highly wronged them. His name is Dr. Petty.

He brought the charge up to the table.

Colonel Birch moved not to receive it, unless there was a hand at it.

Sir Jerome Sankey said he knew the danger, to bring in a charge of this nature without signing it. He owned it.

Colonel Fielder and *Serjeant Maynard* moved that, in regard the member was not here it might not be read, till he was here to make his answer.

Colonel White moved not to discountenance a charge of this nature.

Mr. Knightley moved to have it read, and it was read accordingly.

Articles of misdemeanour and breach of trust against Dr. William Petty, elected to serve this House as a member of Parliament.

1. Oppression by great bribery. 2. He fraudulently purchased lands and debentures. 3. He got great sums of public money into his hands; and used many foul practices in his office. He got lands that he had neither by lot nor ———,* and placed debentures upon security where lands are not.

Major-general Kelsey. I never hoped to hear this charge against this person. He is a civil, ingenious gentleman. Appoint him this day month to appear, or six weeks, and let him have a copy of this charge.

Mr. Annesley. We have had much of this there.† He hath stood resolutely upon his innocency. Still he defends it there; for these things were against him at the council in Ireland.

Sir Jerome Sankey. As to method of proceedings. Whether will you have the charge made ready against that time, or only hear his answer? He has all the records in his hands,

* Blank in the MS.

† In Ireland.

so it is no wonder why it was not looked into before; and if there had never been a Parliament, I should never have meddled in it. A month's time is little enough for him to make his answer; but I suppose that, in the mean time, you will prepare the business.

Captain Baynes. The charge is a general charge, to which a man cannot well answer. You must be satisfied in particulars. I doubt that land is ill shared in Ireland. Four counties in it* are excepted from the adventurers and soldiers, by the Instrument of Government.† I believe lands of at least 100,000*l. per annum* were given away last Parliament; 40,000*l.* in a morning,‡ 500*l. per annum*, worth ‖ 1500*l.* You must have a review of this business. Some have got all, some none.

Mr. Annesley took him down, as speaking what was foreign to the business.

Sir Henry Vane. Appoint a day. The summons ought to be under your hand; and say that there is a charge of misdemeanour against him depending in this House, and that you require his attendance here by such a day to answer it.

Serjeant Maynard. There is no particular charge to which he cannot make a defence. Be he never so guilty he will excuse himself; because you put an impossibility upon him to make himself innocent. I have as much reason to complain as any man; for I paid my money the first, and have got no lands yet.

Mr. Reynolds. Appoint a Committee of three or four to prepare the charge in particular against Saturday, and then let him have a copy of it, and a day appointed to appear to make his defence.

Sir Jerome Sankey. Bribery is a plain case. The evidence lies in Ireland. You may haply think fit to direct a Committee to examine witnesses.

Mr. Trevor. The charge is general: bribery in general,

* "Dublin, Cork, Kildare, and Catherlaugh."

† No. xxxi. See *Parl. Hist.* (1763,) xx. 253.

‡ See vol. i. p. 259; ii. 175, *ad fin.* ‖ Valued at.

not when, nor where, nor of whom. He can never answer this, unless you descend to particulars.

Mr. Knightley. There is a crime in the bribe given, as in the bribe taken. Will you then think fit to set forth of whom he received bribes?

Lord Lambert. I move that he have a month's time appointed to answer this charge, though it be general.

Colonel Bennet. The charge is particular enough. Six weeks' time is little enough for him to prepare himself to answer.

Mr. Bayles. If you send a copy of his charge, he will keep all the records that are in his custody, and which you must make good the charge by. I would have the records secured.

Serjeant Maynard. I would not have you, by this precedent, to bring an inconvenience afterwards upon innocent persons. I cannot admit this general charge to be a good charge to make a defence final upon. Lord Strafford and Canterbury's charges were at first general, to which they demurred; and then we came to particulars. I would have you use this method in this case.

Sir Jerome Sankey. I second Mr. Bayles's motion, that the records be secured.

Colonel Allured seconded it.

Sir Anthony Morgan. I know nought of the matter. Those records are not in his custody, solely. Other two gentlemen are joined with him in the custody of them. He is an ingenious person, and has done you good service. I will not justify him at all. I believe he will wait upon you, as soon as he can.' I desire he may have a copy of his charge sent, and a month's time to answer it.

Resolved, that William Petty, Doctor of Physic, a member of this House, be appointed to attend this House, on this day month,* to answer this charge.

Mr. Speaker desired to know if he might send him a letter.

Resolved, that a copy of the articles now brought in against

* *Journals.*

Dr. Petty be sent unto him into Ireland, and that Mr. Speaker do sign a letter, directed to Dr. Petty, with a copy of the articles to be inclosed therein, and sent to him.*

Sir Jerome Sankey and *Mr. Reynolds* moved that Sir Je-

* *Ibid.* "Dr. Thomas Clarges to H. Cromwell, Lord Lieutenant of Ireland." London, March 29, 1659.

"Since my last, my Lord Broghill, and some other of your Excellency's friends have had a more serious consultation concerning Lyll, of which his Lordship promises me to give your Excellency intimation.

"On Friday [Thursday] last, Sir Jerome Zanchey brought a charge into the House, of bribery and breach of trust, against Dr. Petty, to which he set his hand; and amongst other expressions, he told us, he knew so well the danger of bringing in a charge of that nature against a member of Parliament, that he would not have done it but in confidence to make it good. Many of the Long Robe were against the receiving of it, till it was digested into particulars; (for the charge was general;) but at last it was resolved he should be summoned to attend the House, that day month; and I believe Sir Jerome finds the sense of the House so much inclines to particularizing his charge that he is gone post to Ireland, to inable him to do it, and yesterday he began his journey.

"I humbly beseech your Excellency's pardon, for inclosing a few lines to the Doctor in this letter, which the extraordinariness of the occasion makes me not to doubt of. The speech Sir Jerome made, before he delivered his charge, made the business seeme very great; but when the thing itself was read, it gave but little impression. Mr. Annesley told us, the Doctor had been used to things of this nature; but never yet, upon any examination, could any thing be fastened on him; and he doubted not but he would well acquitt himself of this.

"As I was sealing my letter, the Speaker sent the letter of summons of Dr. Petty to me, and desired, for the better security of it, that I would inclose it in your Excellencye's packett." See "Thurloe State Papers," vii. 639, 640.

"H. Cromwell, Lord Lieutenant of Ireland, to Secretary Thurloe, April 11th, 1659."

"I have heretofore told you my thoughts of Dr. Petty, and I am still of the same opinion; and if Sir Hierome Sankey do not run him down with numbers and noise of adventurers, and such other like concerned persons, I believe the Parliament will find him as I have represented him. He has curiously deluded me these four years if he be a knave. I am sure the juntoes of them, who are most busie, are not men of the quiettest temper. I doe not expect you will have leizure, or see cause, to appeare much for him. Wherefore, this is only to let you understand

rome Sankey have an order to have recourse to the records, to take copies, in order to make good this charge. This was ordered accordingly.*

Mr. [†] In regard you hear he is an ingenious man you had need, in the mean time, to be better prepared. I would therefore have some gentlemen to make the charge so plain as that he may make a plain defence.

Colonel Terrill offered a report, and moved that reports from the Grand Committee should, *per* order of the House, be heard first.

Mr. Speaker, a report from the Committee of Privileges must of course precede all other reports.

Colonel Morley. I move to proceed upon the business of transacting.‡ I have stayed in town about a fortnight about it.§

Mr. Weaver seconded it.

Colonel White and *Colonel West* move to take up this debate. It is now eleven o'clock, and a fit time to take it up.

I suppose it was to prevent Packer's report from coming in.

Mr. Bodurda moved that the report might be heard first, for, till this be determined, not only sixty but three hundred depend upon this question of Major General Packer. The question was put if the report shall be heard.

Mr. Speaker declared for the *yeas*.

Mr. Weaver declared for the *noes*.

Mr. Speaker declared for the *Noes* to go out, because it was natural to receive a report.

my present thoughts of him. The activeness of Robert Reynolds, and others, in this business, shews that Petty is not the only marke aimed at: but God's will be done in all things!" *Ibid.* p. 651.

* "Resolved, that Sir Jerome Sankey, or such as he shall think fit to employ into that behalf, shall have recourse to such records as are in Ireland; and may have true and authentic copies of such of them as shall be desired and thought necessary, to make good the articles now brought in against Dr. Petty." *Journals.*

† Blank in the MS. ‡ See *supra*, p. 88, *ad fin.*

§ "March 24, 1658-9. Resolved that Colonel Herbert Morley have leave to go into the country for ten days." *Journals.*

Sir Walter Earle agreed to it.

Mr. Knightley and *Mr. Weaver.* Though they were *yeas*, they ought to go out. There is no day appointed for this report, so that it comes not in by your order. If the question should be whether a member should speak or no, it is all one as if whether he should report or no.

Mr. Speaker still insisted on it that the *Noes* should go out.

Sir Richard Temple. The report is new, and the *yeas* ought to fetch it.

After a little debate,

Mr. Weaver stood up, and said he was better satisfied; so there was no division.

Serjeant Waller made the report. It was short.

1. That Isaac Puller, Esq. was clearly chosen. 2. That James Cooper, Esq. was elected the other burgess by the major part of such as had votes, he being not resident nor freeman of the said borough. 3. That Major General Packer was resident, and was chosen by a less number of voices than Mr. Cooper was.

Upon the whole they voted Mr. Cooper's election good.*

Major-general Packer. I judge myself a member, and that by the letter of the law; both positive and negative law. The best counsel tell me so. Lord Coke says so. But for this I had not presumed to sit, though it is my honour. I am beholden to those gentlemen that pressed me on so far.

I had a learned, elegant gentleman at the Committee, that offered to make out the law in this case. The Journals were searched, and they found but one case, and that was the case of Catlin at Norwich. My case differs, being free, resident, and returned, and the other not. The Recorder of London yesterday at the bar gave it for law. If there be ought omitted, as to my inadvertency or failure of witnesses, I hope you will hear it.

My counsel, of his own accord, put it upon that point of

* "And that the mayor of the said borough should forthwith amend his return accordingly." *Journals.*

law, that if eligible, Mr. Cooper was not elected. I have something of matter-of-fact to offer. Divers of his electors, and of mine too, were not capable. He had one hundred and forty, and I one hundred and twenty. There are no more in Hertford persons capable to elect, but two hundred and thirteen persons, whereof I have one hundred and seven, he has one hundred and six.

My company or service is not so considerable as to give you a further trouble. I have got as near the door as I can, that I may withdraw. I crave your pardon for being too particular in my own case. If you throw me out, I should advise you, as they do on Thames, when you cast anchor, to throw out a buoy.

There is another thing touching Sir Henry Wroth.* His relation was very false. I rather looked on it as a crime to be a biter or striker, or to kill a man. I pray that Committee may be the Committee.

I have spent my blood publicly. I shall go home and plough for it, and plead for your cause, however you do in it. I hope I stand right before God, before the Church, and before you. I hope that I have been faithful to your cause.

That said, he presently withdrew, being just at the post.

Sir Walter Earle. It is an adjudged case, that the law touching residency and freeman is an obsolete law. If this be admitted for law, I must go out, and a great many more.

Mr. Broughton. He is a modest man. The Lord has been pleased to give him repentance. He offers you fresh matter: that there are but two hundred and thirteen capable electors, and he had one hundred and seven. I therefore pray that it be recommitted.

Colonel Cox. I have heard it from divers honest men of the town, that this Major-general Packer had the majority of electors capable. I move that it be recommitted.

Mr. Bodurda. I was at the Committee both days, and it appeared that Mr. Cooper had one hundred and forty votes. As to that of Major-general Packer, he was made free but

* See *suprd*, p. 7.

the night before, and had taken a house for a month only. Mr. Turner was present at the election. The Mayor denied to make Mr. Cooper free.

Mr. Turner. Seeing I am called up, I am bound to declare my knowledge in this business.

I serve that town in matters of law. They sent for me to prevent disorder and blood. They thought to have chosen me, but that my country called me to their service. Mr. Cooper had the greater number of votes. My opinion was desired upon the statute. I told him the letter of law was clear; but the course of Parliament otherwise.

I had occasion, in this case, to tell you my thoughts before, upon this statute. Before the statute 5 Henry V. the Sheriff always took bail of members to appear. It was so troublesome to sit in Parliament, and the boroughs not able to pay wages;* therefore, they got strangers chosen, that were able to bear their own charges. I advised the mayor to make a special return, and leave it to the Parliament to judge; to send up both indentures: but he would not take my advice.

Mr. Knightley. I cannot agree with that gentleman's reading upon the statute, unless it appeared in the preamble. He says the reason of that statute was because men were chosen against their wills, and therefore it tied them to choose of themselves.

There is a penalty by that statute against the officer, and if he be sued, I cannot tell how he can excuse himself from the penalty. The law is plain, and whoever be concerned in it, let your judgment be according to law, and a rule hereafter to walk by.

Sir John Northcote. I would have you pass such a judgment in this case, as may determine it for the future, in all cases of this nature.

I observe something which has not been yet observed. Though Major-general Packer was resident and free, yet he was neither, at the tests of the writ, which the statute directs. You have not proceeded at any time in these cases upon the

* See *supra*, p. 194, *note* §.

law, but upon the prudential; and all the Judges in Westminster Hall dare not judge, nor ever have interpreted, against the judgment of the House of Commons.

I would have you declare, that all that are willing, and fit, and chosen to serve, may serve, notwithstanding the statute.

Colonel Parsons. I agree to have that judgment declared to be a rule for the future: but I would have it recommitted as to matter-of-fact; in regard it is offered that he had one hundred and seven of two hundred and thirteen persons capable to elect.

Mr. Chaloner moved to recommit it.

Mr. Annesley was against recommitting it upon any thing offered by the member.

I went away at twelve. The debate held till two. At last, it was resolved to agree with the Committee, and exclude Major-general Packer.

Lord Argyle sat next Lord Fairfax and Sir Arthur Haslerigge.

The Committee of Grievances sat in the afternoon, Colonel Terrill was in the chair.

Mr. Baldwin made a Report for Lady Worcester, touching Worcester House.*

Resolved to agree with the Committee.

The business of Mr. Scurr, touching a title, was heard by counsel upon a cross Petition. I left it, and dined at the Three Tuns Gracechurch-street.

There was, towards night, a Petition preferred on behalf of one Rivers, and one Foyle, and seventy persons sold into slavery in the Barbadoes by the Major-generals.

The Petition concerned several members, as namely, Captain Hatsell, Sir John Coplestone, and Mr. Noell. Therefore, the Committee thought fit to proceed no farther in it, but report the petition to the House.

Another Petition was presented to the same purpose by one Rowland Thomas, wherein Mr. Secretary was concerned, as to committing him to the Tower, and Mr. Noell in selling him into slavery.

* See *supra*, p. 244.

Friday, March 25, 1659.

I came late. It seems several reports had been offered, and a petition from Ireland read and committed. Query, the Diurnal and Journals for all?*

Lord Fairfax was absent, and but a thin House. Query, what it means that the main question about transacting is so staved off? Some play or other is in point.

It is hoped the old Speaker will be to take the Chair on Monday, to end the question that he left so in the suds. He is come to town.

When I came in, I found the House about to divide upon Sir Sackvile Crowe's business; but it seems the business was referred to the Grand Committee of Trade.

He sets forth his being prisoner ever since 48.†

* "Ordered, that the Committee, to whom the information concerning the assault made upon Major-general Packer was referred, be revived." *Journals.* See *supra*, p. 251.

"Ordered, that the business concerning Mr. Rodney and Mrs. Cole, upon the report from the Grand Committee of Grievances, be heard on this day sevennight." *Journals. Ibid.* p. 1.

"Mr. Serjeant Waller reports, from the Committee of Privileges and Elections, the state of the case concerning the election of burgesses to serve in Parliament for the borough of Reading: the question being, whether the mayor, aldermen, and free burgesses of the said Corporation, had only right in the said election; or whether the mayor, aldermen, and the whole commonalty of the said borough, though not free, had a joint right in the election of burgesses to serve for the said borough. And that it was the opinion of the said Committee, that Henry Nevile and Daniel Blagrave, Esquires, being chosen and elected burgesses to serve in Parliament, by the mayor, aldermen, and commonalty of the said borough, were duly elected.

"Resolved, that this House doth agree with the Committee." *Journals.*

† See vol. ii. p. 100. He had been "brought from Constantinople, in custody, in April, 1648," and "committed a prisoner to the Tower, in order to his tryal." March 10, 1652, the Lieutenant of the Tower did deliver him to the custody of the Serjeant-at-Arms," who was "ordered to take" of him "2000*l.* bond," and the same "of two sureties."

Sir

Colonel Terrill reported from the Grand Committee of Grievances and Courts of Justice.

The petition of one Marcellus Rivers, and Oxenbridge Foyle, as well on the behalf of themselves as of three score and ten more freeborn people of this nation now in slavery in the Barbadoes; setting forth most unchristian and barbarous usage of them.

To the Honourable the Knights, Citizens, and Burgesses, assembled in Parliament, the representative of the freeborn people of England.

The humble petition of Marcellus Rivers and Oxenbridge Foyle, as well on the behalf of themselves as of three score and ten more freeborn people of this nation now in slavery,

Humbly sheweth,

That your distressed petitioners and the others, became prisoners at Exeter and Ilchester, in the west, upon pretence of Salisbury rising, in the end of the year 1654,* although many of them never saw Salisbury, nor bore arms in their lives. Your petitioners, and divers of the others, were picked up as they travelled upon their lawful occasions.

Afterwards, upon an indictment preferred against your petitioner Rivers, *ignoramus* was found; your petitioner Foyle never being indicted: and all the rest were either quitted by the jury of life and death, or never so much as tried or examined. Yet your petitioners, and the others,

Sir Sackvile Crowe on this had "his liberty," subject "to render himself a prisoner again to the Serjeant-at-Arms, within ten days after he should be therein required by the Parliament," which had made no other order since.

"The Governor and Company of Merchants of England in the Levant seas, at whose prosecution, and at whose procurement, Sir Sackvile Crowe was brought over and committed, had released all differences, actions, and demands, between him and the said Company. Wherefore it was desired that he might be discharged from the restraint and imprisonment laid on him by the Parliament.

"Resolved, that this business concerning the discharge of Sir Sackvile Crowe, and the delivery up of his bonds and securities, be referred to the Grand Committee for Trade." *Journals.*

* See vol. iii. p. 531, *note.*

were all kept prisoners by the space of one whole year, and then on a sudden, (without the least provocation,) snatched out of their prisons; the greatest number by the command and pleasure of the then High-Sheriff, Coplestone, and others in power in the county of Devon, and driven through the streets of the city of Exon, (which is witness to this truth,) by a guard of horse and foot, (none being suffered to take leave of them,) and so hurried to Plymouth, aboard the ship John, of London, Captain John Cole, Master, where, after they had lain aboard fourteen days, the Captain hoisted sail; and at the end of five weeks and four days more, anchored at the Isle of Barbadoes, in the West Indies, being (in sailing) four thousand and five hundred miles distant from their native country, wives, children, parents, friends, and whatever is near and dear unto them; the captive prisoners being all the way locked up under decks, (and guards,) amongst horses, that their souls, through heat and steam, under the tropic, fainted in them; and they never till they came to the island knew whither they were going.

Being sadly arrived there on the May 7, 1656, the master of the ship sold your miserable petitioners, and the others; the generality of them to most inhuman and barbarous persons, for one thousand five hundred and fifty pound weight of sugar a-piece, more or less, according to their working faculties, as the goods and chattels of Martin Noell and Major Thomas, Aldermen of London, and Captain H. Hatsell, of Plymouth; neither sparing the aged of seventy-six years old, nor divines, nor officers, nor gentlemen, nor any age or condition of men, but rendering all alike in this inseparable captivity, they now generally grinding at the mills and attending at the furnaces, or digging in this scorching island; having nought to feed on (notwithstanding their hard labour) but potatoe roots, nor to drink, but water with such roots washed in it, besides the bread and tears of their own afflictions; being bought and sold still from one planter to another, or attached as horses and beasts for the debts of their masters, being whipped at the whipping-posts

(as rogues,) for their masters' pleasure, and sleeping in sties worse than hogs in England, and many other ways made miserable, beyond expression or Christian imagination.

"Humbly your Petitioners do remonstrate on behalf of themselves and others, their most deplorable, and (as to Englishmen) their unparalleled condition; and earnestly beg that this High Court, since they are not under any pretended conviction of law, will be pleased to examine this arbitrary power, and to question by what authority so great a breach is made upon the free people of England, they having never seen the faces of these their pretended owners, merchants that deal in slaves and souls of men, nor ever heard of their names before Mr. Cole made affidavit in the office of Barbadoes, that he sold them as their goods; but whence they derived their authority for the sale and slavery of your poor petitioners, and the rest, they are wholly ignorant to this very day. That this High Court will be farther pleased to interest their power for the redemption and reparation of your distressed petitioners, and the rest; or if the names of your petitioners, and the number of the rest, be so inconsiderable as not to be worthy of relief or your tender compassion, yet, at least, that this Court would be pleased on the behalf of themselves and all the free-born people of England, by whose suffrages they sit in Parliament, any of whose cases it may be next, whenever a like force shall be laid on them, to take course to curb the unlimited power under which the petitioners and others suffer; that neither you nor any of their brethren, upon these miserable terms, may come into this miserable place of torment. A thing not known amongst the cruel Turks, to sell and enslave those of their own country and religion, much less the innocent.

These things being granted as they hope, their souls shall pray, &c.*

Another petition was read, of one Rowland Thomas, who, by Mr. Secretary, in 1655, was sold into the Barbadoes, as

* "Read 24th March, 1658, at the Grand Committee for Grievances. Reported to the House, and read the 25th March, 1659." MS.

Mr. Noell's goods,* His price was one hundred pounds, and that might have redeemed him. He was barbarously used, and made his escape. He dares not appear abroad, lest he be re-delivered to captivity.

Sir John Coplestone. I know with what disadvantage any man speaks that speaks against this petition.

Rivers had been Prince Maurice's quarter-master, and was taken in arms in the business of Salisbury. He counterfeited my hand to a pass, and was taken by the constable. I caused him to be searched, and found fifteen cases of pistols about him. One Mr. Rennel, a young gentleman then with him, confessed that they were going to the insurrection at Salisbury, but were prevented by the discovering of it.

An indictment was brought against him, and because laid at Salisbury, and he not there, he was acquitted. I received an order from his late Highness, to convey to Plymouth all such persons as had been in the insurrection, and were in custody. I sent them thither; but to what purpose they came there I know not.

Mr. Noell. I trade into those parts. Merchants send to me to procure such artificers to be sent over as I might think fit for them. I have had several persons out of Bridewell and other prisons, that I have sent over, and I had to do in sending those; but I had only the recommending of them to that Mr. Chamberlain.

I abhor the thoughts of setting 100*l.* upon any man's person. It is false and scandalous. I indent with all persons that I send over. Indeed, the work is hard, but none are

* "Colonel Barkstead to Secretary Thurloe.

"Tower, 25th March, 1659.

"In obedience to your commands, I have here inclosed sent you the copies of the warrant of commitment, and the other for the delivery to Mr. Noell, for transportation, neither of which being under your hand. Colonel Gardiner, Rowland Thomas, Somerset Fox, Frauncis Fox, Thomas Saunders were delivered on board the ship, Edward and John, of London, the last of May, 1655. Colonel Gray and Mr. Jackson being then sicke, were not sent, and afterwards were released by his late Highness's warrants." See "Thurloe State Papers." vii. 639.

sent without their consent. They were civilly used, and had horses to ride on.

They serve most commonly five years, and then have the yearly salary of the island. They have four times of refreshing, and work but from six to six: so it is not so hard as is represented to you; not so much as the common husbandman here. The work is mostly carried on by the Negroes. It is a place as grateful to you for trade as any part of the world. It is not so odious as is represented.

Serjeant Maynard. This is a gross breach of privilege of Parliament, and against your oath. We are not at Committees, masters of one another. No Committee ought to judge of members without your leave, unless it be at a Committee of Privileges, which is by your order. This comes in very irregularly, and the chairman ought to have rejected this petition. I shall not speak to the matter, that it is a Cavalier's petition.*

Sir Arthur Haslerigge. I am not, and have not been, a friend to Cavaliers; and am as much for privileges of this House as any man. Yet I cannot agree but that this comes in regularly, and I challenge all the Long Robe to answer me. If any person offer me a Petition at the door against a member, shall I not present it? Much more may a Committee of Grievances.

The high breach of privilege in the King, was that he brought the charge against the five members† to the Lords'

* This legal "Vicar of Bray," was Protector's Serjeant, "until the times do alter;" and could not, of course, yet discover any just cause of complaint, or ground for enquiry, in the miserable allegations of "a Cavalier's petition."

† See vol. iii. pp. 92—94. "Jan. 3, 1641-2. The Lord Keeper," says *Rushworth*, "signified, he was commanded to let their Lordships know that the King had charged Sir E. Herbert, his Attorney-general, to acquaint them with something from him. Mr. Attorney then said the King had commanded him to present to them a charge of High-Treason against the six persons therein mentioned, viz. the Lord Kimbolton, Mr. D. Hollis, Sir A. Haslerig, Mr. J. Pym, Mr. J. Hamden,

House, and not to you. We might have answered it here, and if brought hither, it had been no breach.

As to these Petitions, the Committee have made no judgment, but in wisdom to bring the Petitions hither. I would have no discouragement given to your Committee, to receive grievances, though they concern a member. I have heard of divers Petitions against members for Ireland, which, rather than they be not presented, I said I would offer them. You have, in a prudential way, taken the Scotch and Irish members. You will, I hope, in prudence, also hear complaints against them.

Sir Walter Earle took him down, because he kept not to the matter; but acknowledged the chairman had done wisely.

Mr. Neville. They marked their Petitions, and reading them, as soon as ever they found members named they left off, and thought of reporting it as it stands now.

Lord Lambert made the same narrative.

Colonel Clark. The privilege of Parliament was highly broken, for the Committee did debate it as well as read the petition. It was done but last night. It was too hard and quick. They gave Rivers a protection to give evidence.

The case concerns a Cavalier. You ought to be tender how you encourage that party. I understand Sir Arthur Haslerigge's argument, that a Committee may debate a charge against a member, because a single member may present a Petition to you.

Mr. Speaker. No Grand Committee nor Privilege Committee can receive any original Petition against a member of this House, without a high breach of privilege.

Mr. Secretary. I hear myself named in the Petition. I must agree with those gentlemen that say it comes in against a fundamental order. It is a Cavalier petition brought in against your members. We might well have been heard, before your Committee had made a judgment in it. It is the first time that I heard of it. I am much surprised to see this Petition brought in. I never thought to have lived to

and Mr. W. Stroud." *Hist. Col.* (1708,) iv. 234, 235. See *Parl. Hist.* (1762,) x. 156—159. Lord Kimbolton, who was a Peer, I have incorrectly named (vol. iii. p. 516,) as "one of the five members."

see this day, while we have an army in the field and the cause a-foot.

Your Committee gave Rivers a protection to come here to prosecute. I know of something of the matter; but shall only speak to Thomas's petition. He is mistaken in matter-of-fact. I did not commit him to the Tower.*

He was the King's agent here; and pretended relation to Sir Robert Shirley.† He bought several trunks of arms, and sent them into the country in that great plot; and it was said it was so subtilely and dangerously laid, that it was impossible to prevent it, if divers of them had not been committed. It was for your service. A justice of peace may send any man to prison that cannot find bail.

Encouraging petitions of this nature, in complaint of oppressions, is to set you at division. It comes in by combination with the King's party. It has almost set the nation in a flame. While you are about hearing their complaints here, I doubt they are preparing themselves for arms against you. This fellow, under your wings and colour of this protection, may better carry on his master's business, as Reed did, who came over to solicit Lord Craven's business.‡ I pray that you would order his commitment, that he be not at his liberty, to set a flame among you.

Mr. Knightley. No complaint may come in against a member, but by the hands of a member. When this report was agreed on, it was done with much tenderness to your member. This complaint is not only by Rivers, but on behalf of several others, aged gentlemen, that have been taken up in their way, and sold.

* See *supra*, p. 258, *note*.

† To whom Bishop Gunning had been chaplain. According to *Wood*, he "died in the Tower, having been committed to that place for his loyalty." *Athen. Oxon.* (1692,) ii. 578. Mr. Granger says:—

"Sir Robert Shirley, brother to Sir Anthony, was introduced by him to the Persian Court; whence, in 1609, and the twenty-eighth year of his age, he was sent Ambassador to Rome, in the pontificate of Paul V. He entered that city with eastern magnificence, and was treated with great distinction by the Pope." *Biog. Hist.* (1775,) i. 385.

‡ See vol. ii. p. 344.

Sir William Morton, a long-robe man,* writ a book. I would have it examined. I would have all petitions read as they come in.

Captain Hatsell. I was present at Plymouth when these persons were shipped. I never saw any go with more cheerfulness. There were two old men and a minister. The minister had heard my name. He acquainted me that he had no desire to go. I took upon me to release him, and another that had no will to go. They went home to their own houses. I gave bills of exchange for 4*l.* 10*s.* a man for their passing over. The master of the ship told me that Rivers feigned himself mad, and he was much troubled with him, and told him that if he could make friends when he came over, to get so much as his passage cost, he might be released.

Colonel White. These petitions come before you by the name of Cavaliers, and when it appears to be so, you will I hope make a distinction, as to those persons. If every justice may commit a man because he cannot give a good account of himself, I hope it will be considered. But in regard it appears to be against the free-born people of England, you can do no less than refer them to a Committee to examine matter-of-fact.

Colonel Birch. I must say with them, that it is a breach of a fundamental order of this House to bring in this Petition thus. This is clear and manifest to me, that this will endanger all that ever have faithfully served you, and that they must be forced to look to themselves. This could not come in, they durst not do it, but by being encouraged from some place. I doubt you will raise such a flame as you will hardly quench. I would have this Thomas committed again to the Tower, and from henceforward I would have no petitions of this nature come in, but such as are signed by a member who will answer it.

Sir Henry Vane. I do not look on this business as a Cavalierish business; but as a matter that concerns the liberty of the free-born people of England.

To be used in this barbarous manner, put under hatches,

* Justice of the King's Bench, 1666. *Athen. Oxon.* (1691,) i. 25.

to see no light till they came thither, and sold there for 100*l*: such was the case of this Thomas.

I am glad to hear the old cause so well resented; that we have a sense and loathing of the tyranny of the late King, and of all that tread in his steps, to impose on liberty and property. As I should be glad to see any discouragement upon the Cavaliers, so I should be glad to see any discouragement and indignation of yours against such persons as tread in Charles Stuart's steps, whoever they be. The end of the Major-generals was good as to keeping down that party, but the precedent was dangerous.

Let us not be led away, that whenever the tables turn, the same will be imposed upon your best men, that is now designed to the worst. There is a fallacy and subtilty on both hands. I would have you be as vigilant against that party as you can; but if you find the liberty and property of the people of England thus violated, take occasion from these ill precedents to make good laws.

That which makes me hate the Cavaliers, is their cause, and when I see others hate their cause, I shall believe them, that they hate their persons. I detest and abhor them as much as any. Let us not have new Cavaliers and old. Let us hate it in those that tread in their steps, as well as in the other. Be not cozened by popularity on the one hand by complaints of this nature, nor on the other hand to swallow up your liberties and properties. Do not that which is *bonum* only, but *bonè*.*

Major-general Browne. I thought to have been silent till your great business was over; but as you hear cases of Cavaliers, I hope you will hear those that have fought against them.† I was used worse than a Cavalier; taken and sent away prisoner to Wales; used with more cruelty than if in Newgate; in a worse prison than common prisoners. My wife and children could not come, under 200*l*., to see me. My letters could not pass. The governor demanded my letters; I said he should have my life as soon. I defended them with my weapon.

* So *Lucr.* ii. 7. † See vol. iii. pp. 311, 312, *note*.

The remainder of the Long Parliament, without hearing, voted me* to be no member, no longer an alderman of London, nor sheriff. They kept me five years in prison, and never laid aught to my charge.

Money was ordered me upon the excise, which Mr. Edward Ashe offered me, 8000*l.* Then they took off that, and placed it upon the dean and chapters' lands. Then one comes and offers me 2,000*l.* for 4,000*l.* I was content to accept it, but no lands could be purchased with Browne's money. Then they took it wholly away.

I was always faithful to you, and never broke my trust. I would die first. As you are hearing the grievances of others, will you appoint a day to hear mine? I have served you with as much faithfulness as any, though haply not with so much success.

Mr. Disbrowe. I hope you will, in due time, consider that gentleman's grievances. That those that have fought against you, should be taken into equal freedom with you, I understand not. The petition is brought in and signed by your enemies. Can you believe their testimony before that of four of your members? Give the least encouragement to these persons, they will kindle such a fire as you will hardly quench.

We should not trust our old enemies, till they appear to be real friends. Many petitions are before you, that have not been read, that concern persons that have faithfully served you. You ejected two members upon bare report of two members,† and now here are Cavaliers complaining to you, and you will believe them before four of your members.

I move to cast out the petitions, as coming in irregularly, and let the two persons be committed.

Major Beake. I hear naught offered of weight, that these petitions come in irregularly. Let us compare cases. Slavery is slavery, as well in a Commonwealth as under another form. As great an instance as can be, has been offered by Major-general Browne.

I would not have your doors shut to any complaints. If

* Dec. 4, 1649. See *infra.* † See vol. iii. pp. 241, 249.

you cease to hear them, none but God in heaven can. Let us all lay our hands on our hearts, and consider what mal-administration and recess from law have been in all times, and compare them together. I hope you will think of Major-general Browne's case.

I would not have these persons sent to the Tower, but bail taken of them to appear; and in the mean time the plot to be examined.

Captain Baynes. I have had too great a zeal against Cavaliers, till I saw how that which was against law was turned upon our friends. If they deserve hanging or imprisonment, let them have it. It is put upon that issue, that they went with their consent, so a man may be sent to the galleys, or any place of banishment. However, if they be sent against law, I would have it referred to a Committee to examine it thoroughly.

Mr. Annesley. I shall ever appear as much a Cavalier as any,* but not under colour of that, lose my own liberties. In case of the Thirty Tyrants,† while mean people were only questioned it was never looked on, till it came to the greater. I am sorry to hear *Magna Charta* moved against this House. If he be an Englishman, why should he not have the benefit of it? There are laws will take hold of any that transgress. I know no law for banishment. The Commons of England will, I hope, be cautious how they make any such acts. You cannot pass it without some resolutions. To make men delinquents for petitioning, let it never be said here! You will not discourage grievances, so as to cast out petitions handed to you by them. I hope your Committee will consider upon this debate, to bring them in more regularly.

* This speaker, now, probably, in disguise "a Cavalier" of Charles Stuart, had not long to wait, before he could openly "appear," gallantly sitting in judgment on some of his present associates, condemned to cruel deaths and sanguinary mutilations; a courtly compliance, royally rewarded with the Earldom of Anglesey. Thus, with highly honourable exceptions, have the ranks of the British peerage been too often recruited. See vol. iii. 363, *note.*

† See *supra*, pp. 190, 191, *note.*

On one hand, be careful of your safety. That is fittest for those that sit at the stern; his Highness and the Council. On the other hand, be careful your liberties be not invaded on any pretence whatsoever.

I would have them referred to a Committee.

Major-general Kelsey. I doubt we have gone so much upon point of prudence that we shall overthrow the privilege of this House.

That gentleman says this petition came in irregularly, and yet he moves for retaining it. When a petition comes in regularly, I shall not be against it. This Parliament had not now been sitting; it had been impossible to have preserved us from blood and confusion; if, in all proceedings, his late Highness and Council had been guided according to the strict rules of law.

I hear it said* if we hate Charles Stuart and his party, hate his practices. I would have this driven to the head. Tyranny is tyranny, wherever it be. Distinguish between times of peace and war. Divers have been in prison ever since 41; as for instance, Bishop Wren,† who was com-

* *Supra*, p. 263.

† "Dec. 18, 1640. A message," says *Rushworth*, "was sent to the Peers by Mr. Hamden, to acquaint their Lordships that the Commons had received information of a very high nature, against Matthew Wren, Lord Bishop of Ely, for setting up idolatry and superstition in divers places, and acting some things of that nature in his own person; and also to signify, that because they hear of his endeavouring to escape out of the kingdom, he was commanded to desire that some course might be taken for his putting in security to be forthcoming, and abide the judgment of Parliament.

"The said Bishop, being ordered to withdraw, the Lords ordered him to give 10,000*l.* bail; and being called in, he consented thereto; hoping, for his daily appearance, to get friends to be bound with him. And on the following 23rd of December, the Bishops of Bangor, Peterborough, and Landaff, became bound with him." *Hist. Col.* (1706,) iii. 327.

"July 5, 1641. The House of Commons," says *Whitlock*, "had a report from their Committee, of a charge against Dr. Wren, Bishop of Ely, and he was voted 'unworthy and unfit to hold or exercise any of-

mitted by the Long Parliament. Why should our doors be so open to hear that party, that, as often as you have thrust them down, have rose up again? I shall be as ready to do Major-general Browne right, as any. I do make a distinction between persons that have been led aside through dissatis-

fice or dignity in Church or Commonwealth.' A message was sent to the Lords, to desire their concurrence in a petition to the King, 'that he might be removed from his place and service." *Memorials*, (1732,) p. 47.

"July 20, 1641. Sir Thomas Widdrington, [Speaker in 1656,] made," says *Rushworth*, "a smart, aggravating speech, at the delivery of the Articles against Bishop Wren to the Lords." Among these twenty-four articles, were the following:—

"16. By rigorous prosecutions, &c. he has caused three thousand of the King's subjects (many of whom, using trades, employed one hundred poor people each,) to go into Holland, and other places beyond sea; where they have set up and taught the said manufactures, to the great hindrance of trade, and empoverishing the people in this kingdom.

"18. He, in the year 1636, in a church at Ipswich, used idolatrous actions in administering the Lord's Supper, consecrating the bread and wine with his face towards the east and his back towards the people; elevating them so high, that they might be seen above his shoulders; and bowing low, either to or before them, when set down on the table." *Hist. Col.* (1708,) iv. 131, 133.

"March 14, 1648-9. Upon a Report from the Council of State, voted that Wren, Bishop of Ely, be not tried for life, but imprisoned till farther order of the House." *Whitlock*, p. 389.

"March 15, 1659-60. Resolved, that Dr. Wren be discharged of his imprisonment, and that the Lieutenant of the Tower be, and is hereby, required to discharge him accordingly." *Journals*, vii. 878. Dr. Wren, who had been first Bishop of Norwich, died in 1667, aged eighty-one.

Lord Clarendon speaks of "the French, Dutch, and Walloons, in the diocese of Norwich," who "had the free use of several churches according to their own discipline." These were suspected of encouraging the "many English" who "separated themselves from the Church, and joined themselves to those congregations." Lord Clarendon says:—

"Dr. Wren, the Bishop there, passionately and warmly proceeded against them: so that many left the kingdom, to the lessening of the wealthy manufacture there, of kerseys and narrow cloths, and which was worse, transporting that mystery into foreign parts." *History*, (1712,) ii. 96. See Mr. Granger's *Biog. Hist.* (1775,) ii. 158.

faction in some cases, and those that have been your notorious enemies.

I am informed, that your Cavaliers have taken heart in the country, from your hearing their complaints here. Silenced priests preach publicly. You will put the nation into such a flame as you will hardly quench. There is Lady ———'s petition, and other petitions. I doubt, the next petition will be from Charles Stuart. I know no law for his banishment, if there has been no law of force since 48.

I would have these persons at your doors secured, and the petitions rejected.

Colonel Terrill. There did nought appear to the Committee that it was against members, or that Cavaliers were concerned in it. There was no debate at all about it, but only as on Englishmen imprisoned and banished contrary to law; so that all that have spoken to that have gone on a mistake.

Mr. Boscawen. I am as much against the Cavalier party as any man in these walls, and shall as zealously assert the old cause; but you have Paul's case* before you. A Roman ought not to be beaten. We are miserable slaves, if we may not have this liberty secured to us.

I am not against the ministers of state in intervals of Parliament securing men that are dangerous; but I would have it represented to the next Parliament, with the cause of their imprisonment.

These persons come to justify themselves. If you pass this, our lives will be as cheap as those negroes. They look upon them as their goods, horses, &c., and rack them only to make their time out of them, and cherish them to perform their work. It may be my case. I would have you consider the trade of buying and selling men.†

* *Acts* xxii. 25.

† The *man-trade*, for the guilt and misery of which England afterwards became pre-eminently accountable, was now just rising into notice; yet its evil influence, both on the oppressors and the oppressed, was not unobserved. It was soon discovered, as *Thomson* has well pourtrayed the contrast, how ——— "the

Mr. Broughton. My actings speak me no Cavalier. Be they what they will, I would have justice done them, and their liberties preserved to them. But nought appears to me, that aught is done against their consent, and *consentus tollit*

——— "the Negro's share
In life, was gall and bitterness of soul:
——— while luxury
—— lay prompting his low thought
To form unreal wants."

The Rev. Francis Crow, one of the clergymen ejected under the Act of Uniformity, in 1662, thus writes from Port Royal, Jamaica, in 1687:—

"This is one of the most expensive, dear places in the known world, for all manner of provisions, and yet 'tis the most proud and prodigal place that ever I beheld; especially it is so as to the women among us. For a cooper's wife shall go forth in the best flowered silks, and richest silver and gold lace that England can afford, with a couple of negroes at her tail, there being five blacks to one white.

"The greatest trade of this place lies in bringing of these poor creatures, like sheep, from Guinea hither, to sell them to the home plantations, and to the Spanish factors, that buy them at 20*l.* per head, or thereabouts. They come as naked as they were born, and the buyers look in their mouths, and survey their joints, as if they were horses in a market. [See vol. iii. p. 556, *ad fin.*] We have few other servants here, but these slaves, except some from Newgate." See Dr. Calamy's *Continuation*, (1727,) ii. 793.

In 1713, so little was England disposed to "consider the trade of buying and selling men;" or rather, so desirous of securing a monopoly of that trade; that I have now before me "the Assiento, adjusted between their Britannic and Catholic Majesties, for the English Company's obliging itself to supply the Spanish West Indies with black slaves, for the term of thirty years."

During this term, the English Company "oblige and charge themselves" to furnish, as cattle, (for nothing human is attributed to "black slaves" through the whole treaty,) "one hundred and forty-four thousand negroes of both sexes, and of all ages, at the rate (however they might be procured) of "four thousand eight hundred negroes, in each of the said thirty years." See "A General Collection of Treaties," (1732,) iii. 375, 376.

About the time of contriving and executing this iniquitous *Assiento Treaty*, Queen Anne and her Counsellors were occupied, with the usual professions of Christian and Protestant piety, in erecting fifty new churches, as if they had forgotten or never read the divine declarations,—"I will have mercy and not sacrifice."

errorem. I could give my yea to cast out this petition, but cannot consent to commit them. Let them enter bail, and refer the business to a Committee.

Sir John Lenthall. I hope it is not the effect of our war to make merchandize of men. I consider them as Englishmen. I so much love my own liberty as to part with aught to redeem these people out of captivity. We are the freest people in the world. Let us remember when we go out of these doors, we know not what may become of us if we omit this. They are put to such hardships, to heats and colds, and converse with horses. If my zeal carry me beyond its bounds, it is to plead for the liberty of an Englishman, which I cannot hear mentioned but I must defend it.

Major Knight. I move to reject the petition; for if you sit twelve months you will not have time to hear all petitions from Cavaliers. What will you do with the Scots taken at Dunbar, and at Durham and Worcester? Many of them were sent to Barbadoes. Will you hear all their petitions?

Mr. Attorney-general. The petition comes in irregularly. The person that offers any complaint against your members, must come to your bar and own it. Here are before you the case of a Cavalier, and the privilege of a member. You have liberty and privilege. Preserve them both. Let the petition be presented, and these come to the bar, own, and avow it. I doubt these things are only framed in London, and that the case is not so in fact as is represented. I would have it laid aside till it come in regularly. This petitioner has been a notorious active enemy.

Sir Arthur Haslerigge. I shall never plead for a Cavalier in this House, but for the liberty of an Englishman, and for the laws.

Mr. Speaker took him down, and said he had spoken to the petition.

Some moved that he might be heard.

Sir Henry Vane. I move not to make that a favour to a member that is his right. He spoke before only to regularity of its coming in, how he is to speak to the matter of the petition. I pray hear him.

Sir Arthur Haslerigge went on, and said, by the law of the land, no Englishman ought to be imprisoned but in order to a trial. We have assizes, commissions of Oyer and Terminer, that any Englishman may have death or liberty, which he deserves. Our ancestors have ever been tender of the liberties of Englishmen. If after a man be condemned, his keeper kill him, he shall be hanged for it. The keeper cannot, ought not, to abuse him in any kind. Nor can any man, by the law of the land, banish any man. Some of these had sentence of death. So might the rest have had, and not be kept in prison twelve months after, and then sent to banishment. The time of war and the time of peace are different.

We have had no war these seven years. True, a little rebellion, and some suffered.* Blessed be God, we have had none since.

These men deny that they were ever sentenced, charged, or in arms. Some were acquitted by *ignoramus*. These men are now sold into slavery amongst beasts. I could hardly hold weeping when I heard the petition.

That which is the Cavalier's case, to-day, may be the Roundhead's a year hence. I desire not to live if they prevail. I never sought them, but we must be careful of suffering such precedents. We are likely to be governed by an army. When the army went to the Isle of Rhee,† one was hanged up by martial law. The Parliament so abhorred it, that, if it had sat, he that caused it to be done had lost his head.

I would have every man be careful how he acts any man's commands against law. If there be thirty in a crowd, ten may be guilty; the rest innocent: and haply but one innocent, and forty guilty. Were not divers of them hanged? Was not that an argument that the rest are clear?

I have never yet done aught, nor I hope shall, to give a suspicion that I have any countenance for the Cavaliers in this business. If our liberties become to this, we have fought fair and caught a frog.

* See vol. iii. 531, *note*.

† In 1627, under the Duke of Buckingham.

I would have this business referred back to the Grand Committee. I hope the gentlemen will be clear, and that they will be warier hereafter. Our ancestors left us free men. If we have fought our sons into slavery, we are of all men most miserable.

Sir George Booth. I do much approve of that gentleman's tender-heartedness. That gentleman may remember how, in the Long Parliament, two or three thousand Protestants were sent to the Barbadoes against their consent.* I hope all that died by that plot died by law, and not by a High Court of Justice.

The petition came in irregularly. It cannot be excused; but now it is before you. There are things of justice, so there is a thing of good report. It will clear the gentlemen that are concerned, and clear the business, if you refer it back to a Grand Committee.

Serjeant Dendy. I am ignorant of the privileges of this House, and the liberty of the people; more shame for me. I am glad to hear that you so well assert it; and that this spirit will live when we are dead.

These persons petitioning are dangerous. It is told how they brought arms, and were agents for the King. I doubt they have neither left their master nor his principles. Safety must have place of all.

I would have these persons secured, and the petition considered, that both the liberty of the people may be asserted, and your safety cared for.

Lieutenant-general Ludlow. If this man had been in prison, I should not have moved for his liberty. I would have it referred to a Committee.

Mr. Starkey. I am an Englishman,† and an inheritor of the laws, but I came hither with a resolution not to retrospect. The breaking of laws has preserved your being. If extraordinary methods had not sometimes been taken we had not

* In 1651. See *supra*, p. 270. "Ad saccari-molendina," says Dr. Bates, "in insulis novi orbis amandatur." *Elenchus*, p. 261. (They were transported to the sugar-mills in the islands of the New World.

† See of what this "Englishman" became capable: vol. iii. p. 115, *note*.

been here at this day. It is enough that the Petitioners have their lives assigned them in any place.

I would have the Petition laid aside.

Mr. Trevor. I move to reject it. It came in irregularly, and, it is said, the Committee did entertain the debate upon it, though they saw it concerned your members. It appears they were possessed of it, else how could the chairman report it? This discourages your friends, heightens your enemies, and will set such a flame in the nation as will hardly be quenched.

I would have the two persons secured.

Mr. Bodurda moved to reject the Petition, and remand the Petitioners to prison.

Captain ———* moved to remand them to prison. He stated matter of fact at large, and proved one of them to be a dangerous enemy and active.

———* moved that the Serjeant-at-arms take them into custody, and that the Petition, in the meantime, be examined.

Serjeant Wylde stood up to speak.

After a great debate, till almost three, some moved to adjourn for an hour, others till to-morrow, but the Chair broke through and rose without a question.

The Grand Committee of Trade sat in the afternoon, Mr. Knightley in the chair.

A Committee concerning Ireland sat in the Star Chamber.

The Committee of the servants of the late King's children sat in the Court of Wards.

Mr. Hewley was in the chair.

The Committee of Excise sat in the Queen's Court.

Mr. Scot was in the chair.

Five or six counsel were heard on both sides, the Brewers against the Commissioners and Officers of Excise.†

* Blank in the MS.

† The following letter to Henry Cromwell, of this day's date, I copied from the original, among the *Lansdown MSS.*, 823, No. 360. "The Lord President of Connaught" was Sir Charles Coote, Bart. Member for Galway and Mayo :—

Saturday, March 26, 1659.

I went with Cousin Blakiston to meet friends at Barnet, so could not attend.

Out of the Journals.

Resolved, that Mr. Knightley shall have leave to go into the country for three weeks.

At the humble desire of Edward Birkhead, Esq. Serjeant-at-arms, and in regard of his frequent indisposition of health,

Resolved, that Henry Middleton, Esq. be assistant to the said Edward Birkhead, and that he do supply the place of the said Serjeant, and attend for him as occasion shall require.

"May it please your Excellency,

"My Lord President of Connaught delivered to me your letter some days since, but the debate in the House of Commons being then, and till this day, concerning the Irish and Scotch to sit there, we could not, till now, confer of these things to which your letter relates. I have so far exactly obeyed your commands, (and therein shall never fail,) as to let him know (as much as that time would admit) my thoughts sincerely. My most earnest desires have been, and shall be, to be your servant, and to attain to that happiness, as you should think me to be so. Such is your most great worth, so high are your merits for the public good, as, whenever I can, it shall be seen I know no greater honour than to own myself to be, and to appear to be, your admirer, your most faithful servant. On every occasion, I shall further confer with my Lord President of Connaught.

"Your Excellency's most real, most humble servant,

"W. Pierrepont.

"Lincoln's-Inn-Fields,

"March 25, 1659.

"For his Excellency, my Lord Lieutenant of Ireland."

Mr. William Pierrepont is mentioned by Mrs. Hutchinson, in her *Memoirs*, as one with whom, as well as "with Vane and St. John, her husband had been intimate." Her Editor refers to "the third volume of Clarendon State Papers," for an account of "the good will of Pierrepont to Richard Cromwell, and Richard's respect for him;" and the high probability, "that the Royalists aimed peculiarly at his destruction." See "Memoirs of Colonel Hutchinson," (1810,) ii. 283, 284—286, *note*.

The House being informed that one John Vaughan, one of the Sheriffs of the county-borough of Caermarthen, who for a great misdemeanour and offence committed by him, and one Griffith David, the other sheriff, in making a false return of Rowland Dawkins, Esq. to serve as burgess for the said town, was sent for in safe custody, was apprehended, and was without at the door.

He was, by the command of the House, brought to the bar as a delinquent; and, after he had kneeled down, and by command of the House stood up again, Mr. Speaker told him that he, with his fellow-sheriff, had made an undue return of Rowland Dawkins, Esq. who had not above twenty voices, to serve burgess for the said borough in this Parliament; and had not returned David Morgan, Esq. who was chosen for the said borough by one hundred and eight voices; for which the House had ordered him and his fellow-sheriff to be brought to the bar in the Serjeant's custody, and that now they required of him the reasons of that false return.

The said John Vaughan, standing at the bar, made answer, that he and his fellow-sheriff brought up twenty witnesses to have made good their return; which they would not have done, unless they had hoped to have justified themselves therein; but that they were betrayed by their solicitor; and that the lawyer, who was retained by the solicitor, had indeed confessed the return to be undue; and that, if the House pleased, he would return the indenture, for the election of Mr. Morgan, according to the former order; that he had done it before, if he had not been prevented by his being taken into custody. And humbly prayed that he might be discharged of his offence and imprisonment; and, in case the House were otherwise minded, that then he might be further heard.

Resolved, that John Vaughan and Griffith David, Sheriffs of the town and county-borough of Caermarthen, be set at liberty and discharged of their contempt.

The House being informed that a debt of 9016*l.*, adjusted and appointed to be paid to Major-general Browne, in the year 1647, together with interest for the same, remained still unsatisfied to him,

Resolved, that it be referred to a Committee to consider of the debt due to Major-general Browne, and the interest due for the forbearance thereof; and to report their opinion to the House how the same may be speedily satisfied.

Captain Stone, Mr. Knightley, Mr. Cary Raleigh, Mr. John Trevor, Colonel Birch, Mr. Annesley, Mr. Gerrard, are appointed a Committee, to consider of Major-general Browne's debt, and the interest due for it, according to the vote abovementioned. And they, or any three of them, are to meet concerning the same this afternoon at two of the clock, in the Speaker's chamber.

Resolved, that the vote of the late Parliament of the 4th of December, 1649, for discharging and disabling of Major-general Browne from being an alderman of the City of London, be vacated; and that he be restored unto, and capable of all offices, privileges, and precedencies there, as if the said vote had never been made.

Resolved, that the Lord Mayor and Court of Aldermen of the City of London be required to see the vote, above-mentioned, concerning Major-general Browne, put in effectual execution.

Resolved, that the House do resume the question of transacting with the persons sitting in the other House, and additions to that question upon Monday morning, and that nothing else do then intervene.

The House adjourned itself until Monday morning at eight of the clock.

Thus in the Journal, for I was absent, *ut supra*, but came to attend the Committee of Privileges.

Mr. Scot had the chair.

Counsel was heard on both sides in the business of Taunton, Sir William Windham and Colonel Gorges, against Dr. John Palmer and Richard Bovett, Esq. The debate and examination of this business was adjourned till Tuesday.

Monday, March 28, 1659.

I came late.

Mr. Speaker I found reading the question about transacting. Some had spoken to it; but very few. Nought else had been put, that morning.

Colonel White. Upon the Petition and Advice, by the clear letter, you are to bound these persons. I desire that any of the Long Robe would answer that objection. Therefore, I would have that addition of bounding and approving put first.

Mr. Speaker. Put them severally; first bounding, and then approving.

Mr. Poole. I am against the bounding and approving, because I am against the question. It is not in your power, to bound them, nor need you bound them. There is a constitution of a House of Lords, that is bounded by the laws of the kingdom. It is vain for you to go about to bound some of these men. They are boundless, and have trampled upon all the laws of the nation.

It is but a mock, an image of a House of Lords. There are persons of mean quality, not gentlemen.* You will set up the picture, the representation, the shadow of a House of Lords, and you do wrong to those that are gentlemen and persons of quality amongst them. An ape is the most ridiculous creature in the world, because like a man, and is not. I should think myself at a stage-play, to transact with a sort of men in gay clothes, and when those are off, they signify nought. We must do as the poor counties out at elbows, that got a little money for the dubbing of Lords. The Commonwealth wants money. Let them pay a little money for dubbing.

I am against both the additions, because I am against the whole question.

* See vol. iii. p. 535, *note.*

Mr. Bulkeley insists still upon his old objection, about the 1,300,000*l.**

There is a necessity of transacting. I hear nought rational on the other hand. I know not what they would be at. *Tot homines, tot sententiæ.* I would gladly have an expedient, and will venture to offer one: that some members be appointed to treat with some of these persons. This may be before the question for transacting. You appointed members to treat with the Army,† and why may not you appoint members to treat with those, without owning them as another House? Other defects in the Petition and Advice may also be considered, as the approving them before both Houses.

Keep your money. It answers all things, and will amend at any time what is amiss in your government. I believe they will release that clause about the money, as also that about perpetuating the excise, if you will but put it in a way to make it practicable.

If it pass in the negative, what can you do? Not that I say but you may sit, but you will sit in one another's light. As the question is, I cannot be for it; and yet I tremble to be against it. Therefore think of some members to treat, not as a Committee. Tell them your difficulties. There is something surmounting them, that you cannot get over it.

Mr. Neville. If you do not transact, no doubt but a good foot may be found for you; but if you do transact, you can do nought. You are in a sea, and see no land. You cannot give them a power, unless they have it already. You can appoint none to make laws for you.

There is no treating with them now, but as a besieged town, that they may march away with all the honour that may be, upon honourable terms. I wish they were well gone,

* See *supra*, pp. 51, 57, 72, 234, *ad fin.*

† Probably referring to "Apr. 13, 1647," when, according to *Rushworth*, "it was agreed by both Houses, that the Earl of Warwick, Lord Dacres, Sir W. Waller, Sir John Clotworthy, and Major-general Massey, go down to the army, and make further propositions to such as will go for Ireland." *Hist. Col.* (1708,) vi. 103.

and that we were marched off also. But I would have no treating with them, unless any will, underhand, undertake to discourse with them; but not to acquaint them with it, as from you.

Sir Walter Earle. I move that Mr. White's argument* be answered by some of the Long Robe. He desires to be satisfied in that point.

Mr. Trenchard. If we rightly understand one another, there will be no difficulty in this question, if it be but a previous vote. But if you make it an absolute proposition, you must, either speak, or for ever hold your peace; else, you give away all by wholesale. The poor English have nought left, but that of the old Christians, *preces et lachrymæ.* If you make it a previous vote, I see no danger in it.

Colonel Morley. I desire to put the words "bounding and approving." It is that† which threatens your liberty.

None of the Commons of England have ever sought them, not so much as by one petition. If they own you not, why should you own them? Let us not admit them in a plump. Whatever you omit, omit not that of bounding and approving; lest, if you bound not them, they will bound you. As to that of appointing a Committee, I doubt you cannot do it without transacting.

Mr. Sadler. This addition will not do your work. Your approving and bounding will be endless. I confess, I ever thought it safer for the Commonwealth, for them, or the Chief Magistrate, to take it, than for you to give them it. If God call them to it, he will spirit them to it. If from neither, their own fears and wants will bound them. The wise man says; "The robbery of the robbers keeps them in awe.‡" I had rather the sword should be taken by them, than that I should give them it. I have heard it said, that the best policy is to maintain the war in your enemy's country; not that I call them our enemies. I would have them talked with, some way or other.

* See *supra*, p. 277.

† Meaning, I suppose, the other House, unless bounded.

‡ *Prov.* xxi. 7, incorrectly quoted.

I know not by what law you can take notice of their number. They may be all Lords by patents; Barons, Earls, for aught I know. I would also know what power they intend to have. We may know it from the Chief Magistrate. I would make no reflections, as those did that said, *canis festinans cæcos parit catulos.* The last Parliament travailed of them. They are their children, and for aught I know, brought forth them that will bound themselves.

Appoint a Committee either to them or his Highness, to know their number, who they are, what right they have, and what power they challenge. Do it by letter.

Mr. Scot. We are making expedients rather than laws. We are in travail. I wish we bring not forth the east wind, as the woman did. You cannot send your members to them, but you must own them. There is a rock on every hand.

Our Government, at this day, is the strongest creature that ever was. The Chief Magistrate stands by a possessory right. They are like something. It may, without straining, be said, they neither sit upon Petition and Advice, nor by laws, nor by law of prudence or policy. You are now wind-bound. You are now a lawful legislature, with a Chief Magistrate, *in exercitio.*

Consider what another House shall be constituted for, and then calculate the persons suitable to your constitution. Appoint a Committee to consider of the necessity of another House; and that done, acquaint your Chief Magistrate with the reasons why you cannot transact with this constitution.

Sir George Booth. I hope we all mean the same thing, though we differ in the way. It is right that all things be secured for the good of the nation. Some think that question may be so finely painted, that it may have a good face. Others are for the thing itself; and those by their silence, discover that all the additions you offer, will signify nought. Some are right against the thing. I am one of these.

You do say you will bound them; but you must bring these bounds to them, and they will tell you, we will not agree to these bounds; we will bound you. These are but vain things. Make what additions you will, at the very mo-

ment of your transacting, you put your bounding out of doors. If your body politic be mishapen at the making, the widening, or straightening of it, will not help it. It will be still uneasy.

I would have no addition, but would have the main question put, and I shall give my negative to it. I would have nobody lay his hand upon his eyes.

Serjeant Maynard. I am of the gentleman's opinion. Those additions will either be a *remora*, or insignificant to your proceeding. Some that are for transacting, will not be for it, if some bounds are to go along with it. The privileges of the one House and of the other are different. If one wrong another, you must appeal to each House.

You are in a great straight. If you transact not, your business is at a stand. The Chief Magistrate cannot transact with you. He has no foot for succession but the Petition and Advice. But, for that of money,* I should not agree to the question, if I thought it might not be altered. I would not have us lay our hands on our eyes. It matters not to me whether there be any additions or none.

Lord Falkland. Put the plain question, that we be not deceived by fallacies. If we own them as another House they will say, they are the other House, in place of the Old Peers.

He seconded Sir George Booth's motion.

Mr. Jenkinson. Put it, if the question shall be put, touching the main question.

Mr. Higgons. If you please, to put the main question, I shall sit down: if additions, I shall desire to be heard.

Colonel Terrill. The case is great, and this makes it difficult. The question will be, whether this House is called by law. If not by law, then why should we transact with them.

He was taken down as having spoken.

Colonel Terrill went on, and moved that it might be first cleared, whether, before they had sat, they ought not to have been approved to this House.

Mr. Solicitor-general. This argument is against the main question which you were over; you are now upon addition.

* See *supra*, p. 278.

However, he answered his objection, and said, we sat upon the Petition and Advice, and they too.

Mr. Salway took him down, and said he took down Mr. Terrill, as having spoke to the main question, and that he was now speaking to it himself.

Mr. Solicitor-general went on, and moved against all additions.

They are sufficiently bounded already by the Petition and Advice. They cannot meddle in criminal cases, nor do ought till it come from you.

Captain Baynes. Put the additions one after another, and then the main question; and spend no more time about it, now the House is full. I think you cannot speak to the additions, nor to the main question neither.

Mr. Thomas. I move another bound; that for such bills as you send up, touching the bounding the Chief Magistrate's power, they may have no negative in them; and especially in that bill of recognition by you.*

Mr. Attorney-general. If the additions be insisted upon to be put, you must put them.

Sir Richard Temple. If the persons were approved of, you might come to all your ends. I therefore move to leave out the word bounding.

Captain Whalley. To the order of the House. Here are several additions offered. I would have it put to the question, whether you will have any additions or no.

Sir Walter Earle. Sir William Ellis (Solicitor-general) has not answered the question before, about approving.

Mr. Goodrick. I confess I am against bounding, but for approving. I am not satisfied that those are the persons that his Highness did approve of. It appears not judicially before us. I would have a list of them; otherwise, I can neither give negative nor affirmative to the question.

Mr. Higgons. I am against approving. I would not have this House a Court of Inquiry. It will beget heats, to inquire into men's qualifications.

* See vol. iii. p. 287.

Mr. Hobart. I am both for approving and bounding. It is now a month since this question of transacting was moved.* The other month was spent to your honour, being wary in your foundations.

You owned his Highness, rather because he did not come in by the Petition and Advice. You did prudently, not to rip up the imperfections of the last Parliament; but now you are dashed upon the rock, that you must question these things in justice to yourselves, that you may appear to be a Parliament. That does *constare tibi.* You must have bounding in the question, and *valerat quantum.* I hope you will never transact, till they receive the bounds.

As you will not transact with one you do not know, so you will not with them that you know too well. Some persons are not fit to sit there. You have been told of major-generals, such as will do what the single person will have them, and of one, that in the head of his regiment, endeavoured to blow up the soldiers against this House.† Not that I except against them as soldiers. That noble lord near your chair ‡ would not have one negative upon him.

Mr. Bayles. You see the inconveniency of a long parenthesis; we have forgot the sense that went before, and now we cannot agree of the sense that should follow. Let us therefore go to the sense, where we left, and put that to the question.

Mr. Boscawen. Bounding is but as cobwebs. I am, therefore, rather for the approving of them. If it should be carried by a few votes, that will not do it. The country will take notice of your unanimity. The persons of the other House have no such interest in the country.

Gold never refuses to come to the touchstone. It is baser metal that does it. If they be unwilling to this, they take themselves to be your betters. It is known they cannot come to it by descent. Those that are of worth amongst them, (not that I say any of them are not,) it is likely they would be content that some of them should be taken out.

* See *Ibid.* p. 578. † See *Ibid.* p. 588, *note* †. ‡ Lord Fairfax.

The greatest part of them are of the Council, and officers, so that that will make your work easy. There will be but a few, for you to approve of them. I hope it will never be admitted that his Highness may bring in a whole House at a time. I would have you first agree what you will transact upon, before you vote to transact.

Mr. Annesley. I would have nought to pass this House that may imply a contradiction. That will clash with your addition as to the old Peers, to put any approving or bounding upon them. They are in by ancient law; but as to the approving those persons, I am for it.

Sir John Northcote. I would not have that go for a doctrine, that we cannot bound the old Peers. I would have that objection answered, whether these be not the persons that are to be approved by this House. I would have the question put for approving. I am for the question.

Sir Anthony Ashley Cooper. I have observed the fortune of the old Peers, that the saving of their rights is the asserting of the rights of these; which is the most destructive to them that can be. It is clearly a putting others in their place, and is setting up a thing that is quite contrary. The saving of their rights is the clear proscription of their rights.

You are upon the greatest piece of prerogative that ever was. At once you give him a whole negative in this other House. You give him the greatest prerogative that ever prince had. While you have an eye to the other House, you overlook one whole negative, and reserve but half a negative to yourself.

I think that those additions of bounding and approving do well suit with the new constitution, and reaches not the old.

Mr. Bodurda. The bounding and approving clearly reaches to the addition touching the old Peers.

The question being propounded, that this House will transact with the persons now sitting in the Other House, as an House of Parliament.

The question was put, that after the word "Parliament,"

these words, " when they shall be approved by this House," shall be added.

Mr. Speaker declared for the *Yeas*.

Mr. Trevor declared for the *Noes*.

The *Yeas* went out, (without any debate,) at twelve.

Mr. Rushworth moved out of his place, and caused them to tell over again.

Yeas 146. Lord Fairfax and Lord Lambert, Tellers.

Noes 183. Lord Marquis of Argyle and Mr. Secretary Thurloe, Tellers.

So it passed in the negative.

Mr. Slingsly Bethel moved, that after the word " Parliament," " when they shall be bounded by this House," shall be added.

The question was put, and it passed in the negative.

Captain Baynes moved, that divers of the members who had attended the debate, on the main question, were in the Speaker's chamber.

The Serjeant, by command of the House, called them down, to give their attendance in the House.

Captain Baynes moved, that the door was bolted, and many members could not come in; but he was mistaken.

The question was put, that this House will transact with the persons now sitting in the other House, as an House of Parliament; not intending hereby to exclude such ancient Peers as have been faithful to the Parliament, from their privilege of being duly summoned to serve as members in that House.

Sir Walter Earle. I move for a remonstrance to be made to his Highness, of our difficulties touching the money* and the like.

He was taken down.

Mr. Trevor. We have been two months wind-bound, and till we agree of this———†

Mr. Scot. I move an addition. Seeing you will not bound nor approve them. See now how they will bound them-

* See *supra*, p. 281. † Blank in the MS.

selves. Therefore make it only during this present Parliament. I would have them no longer than needs must. You do not right else to his Highness; for you bounded him, and you have bounded yourselves; and you will have these persons boundless. They cannot take it ill from you, if you make them but probationers. It is naturally known, when men have but a short time they act best; because it will not be long till they must be accountable.

He began a story of David, and was taken down.

It was moved that the door might be shut, but others were against it.

Major Burton moved, that we might not be kept prisoners. Seeing the question hastened, he went out, and said, Seeing you are willing to be rid of us, I will be gone.

The question being put that this debate shall be adjourned for an hour, and nothing to intervene,

The House was divided. The *Yeas* went out.

Yeas 90. Lord Viscount Falkland and Mr. John Herbert, Tellers.

Noes 169. Sir Thomas Stanley and Mr. Hampden, Tellers.

So the question passed in the negative.

Mr. Scot went on and urged it, that they be but probationers, and to do with them, as we do in choosing of a wife.

Sir George Booth and *Mr. Solicitor-general.* Put the question whether you will have any additions or no.

Neither Sir Arthur Haslerigge nor Sir Henry Vane were at the House this aforenoon, but Sir Arthur Haslerigge came in at one o'clock.

Sir Anthony Ashley Cooper made a long speech* till the

* This was, no doubt, the same which soon appeared, perhaps with some additions, in a pamphlet entitled, " A Seasonable Speech, made by a Worthy Member of Parliament in the House of Commons, concerning the Other House, March, 1659."

The Authors of the Parliamentary History, who seem to have had no knowledge of the speaker, reprinted the whole of this pamphlet. They " think it too bold for the time; but that it is as old," they add, " is clear from all appearances."

Dr. Kippis, in his Additions to Dr. Campbel's Life of the Earl of Shaf-

House was fuller of those of his party, and moved to second the motion that they be but for this Parliament, and would have them bounded in time.

tesbury, says of this speech, as given in the Parliamentary History:—"According to the Shaftesbury Papers, the person by whom it was actually spoken, was Sir Anthony Ashley Cooper; and it reflects great credit on his spirit, courage, and eloquence."

This industrious, and designedly correct biographer, though, from an amiable candour, generally more inclined to panegyric than to censure, had not the means we now possess of knowing how little courage was required, under the dubiously originating (see vol. iii. p. 263, *note*,) and feebly sustained Protectorate of Richard Cromwell, to cast reproaches, too often justly deserved, on the memory of his father's usurped government. Thus Sir Anthony might expect to be cheered and encouraged, rather than to be called to order or cried down, while, though conscious of the mask he was now wearing, in the service of Charles Stuart, he would thus degrade the Other House, by exposing (and it was an easy task) the wily arts to which, like too many of the monarchical peerage, (see vol. iii. p. 363, *note*,) they had owed their origin.

"Sir, as to the author and framer of this House of Peers, nominated and designed by the Lord Protector; for to say by him and his Council, hath, in effect, no more distinction, than if one should say, by Oliver and Cromwell; [see *supra*, p. 190, *note* ‖,] let me put you in mind, it was he, that, with reiterated oaths, had often sworn to be true and faithful to the Government without it; and not only sworn so himself, but had been the chief instrument both to draw and compel others to swear so too.

"He, Sir, that called monarchy anti-christian in another, and indeed made it so in himself; he that voted a House of Lords dangerous and unnecessary, and too truly made it so in his partizans; he that, with fraud and force, deprived you of your liberty when he was living, and entailed slavery upon you at his death; 'tis he, Sir, that hath left you these worthy overseers of that, his last will and testament."

Having reviled, in no measured terms, Fiennes, Lawrence, and Fleetwood, who are named immediately after Richard Cromwell, he proceeds among the plebeian Lords. Nor is it surprizing, to whatever talents or virtues, a farmer, a drayman, or a cobler, might have attained, (see vol. iii. p. 535, *note*,) that these should have been despised by a disguised retainer to one of the *fruges consumere nati*, a selfish sensualist, endowed, by the accident of birth, with pretensions to royal dignity; though unblessed with a single qualification for a righteous governor; except a good understanding, early debased by the unrestrained indulgence of vicious propensities. Thus exclaims the pseudo-patriot:—

"'Twere

Mr. Hungerford offered another addition.

Mr. Swinfen. If you but vote as much as Mr. Scot moved, you cannot transact with them longer than this present Parliament.

Mr. Trevor. We are threatened, I would say, promised many additions. I pray that there may be no more additions.

Colonel Briscoe was speaking, when

I went to dinner for an hour, and when I returned I found the House in debate, that these words shall be added, "during this present Parliament."

Sir Charles Coote moved that the question be now put.

Mr. Bodurda moved against the addition, and stood up purposely to spend time.

Mr. Speaker. In the Long Parliament you did limit yourselves to additions, one or two, or the like.

Colonel White. It is against a fundamental order to exclude yourselves from additions. I would not have us so much in love with them,* as at first to make them perpetual.

Mr. Annesley. It has been your wisdom hitherto to wave going upon the Petition and Advice. If you admit these to sit, without limitation of time, your saving of the right of the old Peers is clearly out of doors.

Mr. Weaver. In the last Parliament Mr. Chute moved, that the same instant that you voted another House, if he understood aught of law, you made them Barons to them and their heirs.

"'Twere endless to run through them all; to tell you, Sir, of their lordships of seventeen pounds a year land of inheritance; of their farmer-lordships, draymen-lordships, cobler-lordships, without one foot of land, but what the blood of Englishmen hath been the price of. These, Sir, are to be our rulers; these the judges of our lives and fortunes. To these we are to stand bare, whilst their pageant-stage lordships deign to give us a conference upon their breeches."

The mask which Sir Anthony had loyally accepted from Charles Stuart, whom he was now intriguing to make a ruler and a judge, almost drops off, at the conclusion of his speech, where a people mentioned by Livy are commended, who "were so wise as to think it easier to mend their old rulers than to make new." See *Parl. Hist.* (1760,) xxi. 297—310; *Biog. Brit.* (1789,) iv. 264 *.

* The other House.

Sir Henry Vane came in the afternoon.

Captain Whalley. I move against the addition, because the question against all additions is in order first to be put. It is also a tacit implying that you do not concur with them, but only *de bene esse.*

Mr. Disbrowe. I move against the addition. I would not have you always tumbling, but come to settlement, and build upon this foundation. If ever you expect your money back again, you must transact.*

Colonel Birch. I consent that it be but temporary. I expect much good from them, and that they will deserve so well that they shall be continued.

Mr. Attorney-general. Because I expect good things from them, I am against making them temporary.

Mr. Turner. I must be perpetually against this question, because it perpetually excludes the sum of the old Peers rights.

Mr. Morrice. We have paid a boon to prudence; let us not leave it now. I dare not say *terras Astrea reliquit.* Let us not rebel now against prudence, to transact with them, unbound, unapproved, &c. and that everlastingly.

If you must needs transact, let it be but *hac vice.* Let their patents be only *quam diu se bene gesserint;* only if they discharge their trust, &c. We shall have no temptation to remove them. It is a hell of hell, that the torments are perpetual. Let them do what they will, if we may have hopes that we may once be quit of them. An evil past, is equal to a good thing present.

Mr. Reynolds. Make them probationers, and lay aside their pensions; that they be not the people's pensioners, and have a legislature over them.

Major Beake. It is to be supposed, that by this transacting, you do but transact with them during this present Parliament. Again, if you vote that you will transact with them during the sitting of this present Parliament, be they never such an inconveniency, you cannot then remedy it, nor

* See *supra*, p. 278.

apply to his Highness, or retire to your own council. I had rather have this House, than none at all. You are not to examine the right of the old Peers, so many as are faithful.

Mr. Raleigh. I am for this addition. I cannot understand why you should pass this vote, without any reservation. It is strange that we should be put upon these extremities. If we must transact, why for ever; why without bounds; why bind up the reasons of those that shall come after us?

There is a great necessity, for the present, to transact, but I see no reason for doing so hereafter. If there were any body else to transact with, I should not transact with these. If we go away, and do not transact, I shall expect nought but confusion, &c.; but to perpetuate them, and make them and their heirs Lords over us, I can never agree.

The question being propounded, that after the word "Parliament," these words "during this present Parliament," shall be added, as part of the question,

The question was put, that this question be now put, and it passed with the affirmative.

The main question was resolved, *ut supra.*

Captain Baynes and Colonel Morley moved another addition, viz. "And no longer unless confirmed by Act of Parliament."

Mr. Swinfen. If you had made no such vote, it was clear that you could not transact longer than this Parliament.

Sir Henry Vane. You admit by this, that you will have this Parliament to be constituted on prudence. You intend to have some fruit by this addition, and unless you put in the words "and no longer," &c., you do nought.* Either make this addition, or say you have done nought.

Serjeant Maynard. You repeal all laws made last Parliament, and since 48, if you vote this addition. Look into the bottom of it. You exclude the old Peers from coming in, clearly, by these negatives. It clearly determines the Petition and Advice to be no law. How then shall your minister act, that those that act may know what to act, and those that

* "This, in T. B.'s opinion, is *oppositum in objecto.*" *MS.*

obey what to obey? By other means you leave things to a right Parliament as you found them. Abundance of laws are under them, one hundred and twelve laws you cut off at once. You will make half one hundred thousand bastards, by the act of marriages,* and many inconveniences. While you leave it thus,† you may save the nation by this means from confusion, and deliver it from its burthens.

Mr. Grove. The last question puts out the question against all additions. I would have us ingenuous, always, in this House.

Mr. Neville. Your orders ought to be universal reasons. Your question signifies nought, without the addition. Except you put in "and no longer," you will lose by it, for you bind yourselves up for this Parliament. Whereas you are now free to call it back in a week's time. This vote, when you pass it, will be the best title they have. They sit not by the Petition and Advice.

I would have you put the addition.

Mr. Gott. It is not parliamentary, to offer an addition to an addition. Put the question, if you will put any, that you will have no more additions.

Sir Anthony Ashley Cooper. I find many additions to help this question forward, but none to explain it. I see no danger in the addition, "and no longer." It shakes not yourselves, unless you distrust your senses. I could as ill venture as any man, without an indemnity. Without this addition, what you have done is but like that reservation for the Lords.

Mr. Attorney-general. You cannot put an addition to an addition. I crave it as a privilege of the House, that before any other addition be put, the question be put, if you will have any more additions.

Sir Walter Earle. To the orders of House, as he is for the most part.

Lord Marquis Argyle. I shall not presume to speak to the orders of this House. This last addition was intended to

* See vol. ii. p 38, *note* †.

† Without the addition last proposed.

take away the Petition and Advice. I reckon it, the end of it will be obtained, if you leave it entirely as you now find it. In case, in the meantime, you hit not of another settlement, then you leave the next Parliament to go on in this way that you are now entered upon.

I am against adding the words, "and no longer," &c.

Mr. Broughton. I never thought it worth my while to study the Petition and Advice. I would have these persons* to lay themselves low down before the Commons. It will make them little kings. I would have you use that spirit amongst you, to explain yourselves by these words: "and no longer."

Mr. Bayles. Put your question, "to transact during this Parliament, not excluding the other Lords."

Colonel White. I would not have you put that upon them, "and no longer."

Mr. Reynolds. I like it very well, what we have already got, and tremble at any other addition. I am glad that the House is so sensible; but I would have this remembered, that you may retrench what you have done. I hear they have many good bills. Let us see what they will do; but let us give no ground. I find them called by old laws, and not upon the Petition and Advice; so that there will be no shaking of the hundred and twelve laws.† I would therefore have this addition laid aside, and put the main question.

The main question was going to be put.

Sir Henry Vane offered his reasons, why this question should not be put.

I think you have got this by addition to bind yourselves to transact with them all this Parliament; but what care have you taken for the liberties of the people, as to the militia, and negative voice.

This very day, by a possessory right, the militia by sea and land is disposed of, sitting the Parliament, without a Parliament. Also there are several members‡ brought in upon you, so that this is clearly out of your hands, and you can call nought back but what the Petition and Advice gives.

* The other House. † See *supra*, p. 291. ‡ Scotch and Irish.

You have not the leave to do the least good for the people, without the other two negatives.

Of all things, I would not have this House to seem to have that they have not. By doing this, you bind yourselves, hand and foot, and deliver yourselves up, unable for ever to do aught for the good of the people.

I see gentlemen are weary of the debate; but if I had one hundred negatives, I should give them to this question.

The question was put, if this question be now put, and it passed in the affirmative.

The main question was put; That this House will transact with the persons now sitting in the other House, as an House of Parliament, during this present Parliament. And that it is not hereby intended to exclude such Peers as have been faithful to the Parliament, from their privilege of being duly summoned to serve as members of that House.

Mr. Speaker declared for the *Yeas*.

Sir George Booth declared for the *Noes*.

The *Yeas* went out. *Colonel White*, *Annesley*, *Salway*, and *Bulkeley* with us.

Argyle, *Swinton*, *Whetham*, and *Clark*, withdrew.

Mr. Reynolds withdrew, against his own resolution.

Yeas 198. Sir Walter St. John and Sir Charles Coote, Tellers.

Noes 125. Sir George Booth and Sir Arthur Haslerigge, Tellers.

So it was resolved, *ut supra*, and the order was read.

Mr. Weaver. I move that a bill be brought in for self-denying.* That as well members in this House, as in the other, may bring their salaries into the public treasury, or else lay down their offices for that time, at least, while they sit. It will be for your honour.

Mr. Serjeant Maynard was against any new motion at this time of day.

Sir Thomas Whitgrave. I move that the Mayor of Hertford be called in, to mend the indenture for a member that has been two months kept out; but the Speaker slipped

* See vol. iii. p. 443, *note* †.

out of the Chair, and would not endure a new motion, and the House rose at half-hour past four.

Tuesday, March 29, 1659.

I came late.

Colonel White. I move to call in the old Peers, and to advise with these persons that you have now voted to transact with, how it may be practicable, and to consider the constitution.

It seems the bill touching the perpetuity of the revenue had been offered as the bill to transact upon.

Mr. Neville. I move to debate the negative voice, before you transact; and also, whether you will stand bare or no. It is likely I shall not stand bare. This may beget differences between us. Transact is a new word.

Mr. Annesley. I am as much against catching cold as any body; but would not now have us debate upon a ceremony. When I see any of the old Peers there, it may be then I shall consider whether I will stand bare or no.

Sir Henry Vane. The state of your affairs is no more than going upon prudential conclusions, as in this case, and in the cases of Ireland and Scotland. And before you make a law now, you change from the writ that brought you hither and the constitution in being.

Before you make laws, I would have you consider it, and clear your constitution.

Lord Falkland. If it only concerned myself, I should stand bare to the meanest servants of those persons; but as a member of this House, I would take off my head sooner than my hat. Therefore, clear circumstances first, to prevent heats and differences.

Mr. Grove. I move that Sir Henry Vane be called to the bar for saying, you go upon prudentials. It is an arraigning of all your votes, and be a person never so great, I believe it would not be borne abroad; and why you should bear it here, I know not, be he never so wise.

Mr. Bulkeley. I second that he be called to the bar. Be he never so wise or great, it will not be borne. I would never have such a thing pass here, without bearing testimony against it. I would have him called to the bar; or, at least, that he may be forewarned not to let fall the like expression again.

Sir Arthur Haslerigge. I pray we may be preserved from heats, and answer one another with reason. We are in an extraordinary time as ever was in England. We sit partly upon a legal, and partly upon a prudential footing. I have no mind to disturbances. This time of year requires to look about us. Our enemies are watchful. We ought not to quarrel with one another. It is neither for our honour nor safety.

I thank God, it is otherwise with me than when I came to the Long Parliament, first. I could not then endure any body that differed from me in judgment; but I am now come to that spirit, through the fear of God, and more discretion than I had then. We must bear with one another in meekness, and it is better for us to debate in what manner we will transact, before the messengers be at the doors.

Mr. Knightley. I move that heats be forborne, and that you bear with one another. I would have you consider whether you will go up, bare, or no.

Colonel Birch. (Some cried Sir Thomas Birch.) I am as much against heats as any. Whence came that heat? It was averred unto you that what you did was upon a prudential account; that you are a prudential constitution, as the little Parliament,* who voted themselves a Parliament.† If what the gentleman moved from the bar, had not been moved, I would have done it.

Sir John Northcote. I move that you receive the bill that is offered, and consider how you will proceed with that other House, as to your members behaving themselves.

Dr. Clarges. I move to resume the debate upon the Bill

* See vol. ii. p. 67, *ad fin.*

† "We do declare ourselves to be the Parliament of the Commonwealth of England." *Declaration,* (12th July,) "printed 1653."

of Recognition, and then to refer it to a grand or select Committee. But as to legal and prudential right, if I should ask Sir Arthur Haslerigge, whether he who serves for a borough be a prudential or legal member, he will say, he serves upon a legal right.* I think upon a prudential; for there is no Act of Parliament for it, no law since Henry V., but what may be questioned. All since have been upon prudential. All laws made by one House of Parliament have no precedent. It was but an assumption or declaration of their power, as was said in case of the little Parliament. It was much of one nature.

Lord Marquis Argyle. I cannot speak to the order of your House, nor to the manner of your proceedings, *uno dato incommodo.* When a bill is offered, you may take it in or reject it: I would therefore have it taken in and read.

Mr. Bulkeley offered the said bill, which was read. It was for taking away all laws, statutes, and ordinances, concerning the excise, and new impost, after ——† years, and concerning customs, tonnage, and poundage, after ——† months, after the death of his Highness, the Lord Protector; and all laws concerning the same to be after that time null.

Mr. Knightley. I move not to cast it out; but I dislike part of it as to the customs, for life, and excise. They may be for fifty or sixty years.‡

Sir Arthur Haslerigge. We cannot be in a worse condition by the bill than we are; but I would not have it done hastily, nor a day appointed for the second reading. Therefore, let it lay by till a fit opportunity, that in the mean time we may consider of it.

Sir Anthony Ashley Cooper. There is nought can destroy us like that which we like. I am apt to suspect this bill. It is an admitting all those laws to be good, for settling tonnage and poundage. The bill ought not to have been brought in, but by your order. I would have a bill brought

* For the borough of Leicester.

† Blank in the MS. and *Journals.*

‡ Such had been the case, if Richard had maintained himself in the Protectorate; for he lived till 1712.

in that may settle and establish the tonnage and poundage for so many years, lest this be a precedent, to admit so many laws together. Therefore reject this bill, and bring in another bill.

Sir William Wheeler. True, no member ought to bring in a bill concerning money, because it is an imposing upon the subject. But he has answered himself. It is no bill for money; but to take off that law which must be admitted for a law. It brings back our purses again into the Commons.

Appoint this day se'nnight for the second reading.

Sir Walter Earle. I would have this bill rejected. If you do ought, do it by a positive and an affirmative act. Tonnage and poundage was ever granted so. I would therefore have another bill, as offered to you.

Mr. Swinfen. I thought this bill would have been more welcome to you. That which did most scorch the debate of transacting, was that those laws should be perpetuated, and now they say, those are no laws. This makes me shake. Their mind is to let us come to no settlement.

I hearkened, to hear the danger of the precedent. He tells you of ill precedents coming out of good subjects. I see no ill precedent in it. To take away the charge of the nation will never do the nation harm. This does neither make them laws nor not laws. Therefore, I would have this read a second time, now.

Mr. Scot. None doubts but this law is better than the other. To retrench the time is very acceptable; but why we should go to it so switched and spurred, I know not. I would have it brought in to-morrow; and let it come in by your order.

Mr. Reynolds. I move for Mr. Knightley to be heard again. In 16 *Caroli*, a bill was offered by Lord St. John, who, though a favourite for agreeing against ship-money*, yet for bringing in a bill touching the customs, (it was to continue it, being within three months of expiration,) he had a check for it, so just was Parliament.

* See *Parl. Hist.* (1763,) ix. 82, 92, 196.

I would have this bill laid aside, and the Attorney-general or the Solicitor-general to bring in another bill.

Colonel Birch. This quite differs. One was to continue the customs; this is to take off the time. It is not for the service of any of us to acknowledge that for law at one time, and not law at another time; as, to serve the interest. You must now either speak to the rejecting of it or not at all.

Sir Robert Goodwin. I shall not speak for rejecting the bill; but it comes in irregularly. It came in with good intentions. A bill must not only be *bonum,* but *bonè.** If you will bring in a bill for a grant of it, I shall consent to it; otherwise, it may be for forty or fifty years.† A precedent in the people may amount to a law; but in the single person it signifies nought.

Mr. Bulkeley. I did bring in this bill with a good intention, and shall not be satisfied till this fundamental right of the people be settled.

I looked on it as the privilege of any member to bring in a bill. It does not dispute whether they be laws or no. It will be a means to prevent future fighting, whether they shall be laws or no. We have felt the danger of leaving these things so doubtful. If you please to let it be brought in by some person from whose hands it will be more acceptable. I offered you the substance before I offered it.

Mr. Raleigh. I do not take this to be a bill for money. I believe the laws that settle these things to be of force, till you repeal them.

I would not have this bill read the second time now; but appoint another day. It may be made a good bill, to retrench the time, which is perpetual, for ought I know.

Mr. Neville. There being no law of force for the excise, as I think in my conscience there is none, I would have a bill brought in for granting the excise, and another bill for the customs for some time. There must be words of granting.

Mr. Fowell. It will not sound well abroad to reject a bill of this nature. How will the commoners of England take

* See *supra,* p. 263.

† See *supra,* p. 296, *note* †.

it? It may be made a good bill. I pray to read it presently.

I went to write letters, and found them in hand still with the debate till one o'clock, and then the House rose and adjourned the debate.

Mr. William Turner, mayor of the borough of Hertford, had been that morning at the bar, where, in the presence of the House, he did rase and put out of the indenture, the name of William Packer, Esquire; and, instead thereof, did insert, and put into the said indenture, the name of James Cooper, Esquire;* which being done, the said Mayor, and deputy to the Commonwealth in Chancery withdrew.

Resolved, that the bill† be read the second time on Thursday next.‡

The Committee of Privileges sat and heard out Colonel Gorges and Sir William Wyndham's election to Taunton, against Bovett and Palmer. The business was very foul on Bovett's side, but clear, *nemine contradicente*, on the other side. It put out the business of Newcastle, which was appointed for the same day.

* See *supra*, p. 253. † *Ut supra*, p. 296.

‡ "Dr. Thomas Clarges, to H. Cromwell, Lord Lieutenant of Ireland. London, 29th March, 1659.

"Yesterday, we passed a question that had been many days before the subject of our debates; which was, that this House will transact with the members of the Other House, as an House of Parliament, during this present Parliament; and that it is not intended hereby to exclude such Peers as have been faithful to the Parliament, from their privilege of being duly summoned to be members of that House. At the passing of this vote, the affirmatives were one hundred and ninety-eight, and the negatives one hundred and twenty-five, in which number, (to the wonder of many,) the Knight for Kildare was a negative and a loud one."

(The members for Kildare and Wicklow, were Dr. Loftus and Colonel Markham.)

"This day, a bill was brought in, intituled, 'An Act for taking away all laws, statutes, and ordinances, concerning excise, and new impost of ——— years; and concerning customs, tonnage, and poundage, after —— months, after the death of his Highness the Lord Protector.' It was read the first time this day, and ordered to be read again a second time on Thursday next." See "Thurloe State Papers," vii. 640.

Wednesday, March 30, 1659.

Mr. Bulkeley I found moving upon a debate about a fast; and in that to declare against erroneous opinions and practices, and to bear that testimony against them, as you would against famine and pestilence. He told a story of his committing one Smith, and other two Quakers.

We ought to deprecate these evils as famine and pestilence, and other temporal judgments. It will be satisfactory to the nation, and call a blessing from Heaven, and as much prevail for a blessing upon this Parliament. I would have all these declared the grounds of your fast; and no censure, as that this motion proceeds from a spirit of persecution or rigid presbytery, as it is called.

Mr. Grove, it seems, had moved it.

Resolved, that a day be set apart for public fasting and humiliation throughout the three nations, of England, Scotland, and Ireland, and the dominions and territories thereunto belonging.

It was moved to appoint this day month. There was not one negative as to the thing, but the day was not agreed on. Some moved that the question might be divided; one day for England, and another for Scotland and Ireland; but by the sense of the House, it was fit to be both one day.

Sir Anthony Ashley Cooper. Let it pass rather by a Bill, than by a declaration.

It was moved for the first Wednesday in May.

Colonel Birch. I am against ascertaining any day. It may take up your time for five weeks, before it pass the other House.

Resolved, that a Committee be named, to prepare a Declaration, to set forth the grounds and reasons of appointing of a day of fasting and public humiliation through the three nations.

A Committee* was accordingly appointed for drawing up

* "Mr. Bulkeley, Mr. Grove, Sir Henry Vane, Mr. Morrice, Sir Anthony Ashley Cooper, Mr. Trevor, Mr. Annesley, Mr. Nathaniel Bacon,

the said Declaration; any three of them to bring it in by Friday morning.

Mr. Secretary. I move upon the debate left the other day, upon the petition of one Thomas.*

The petition came in, *per saltum*, leaped over the heads of above fourscore petitions. He sets forth, that he was committed to the Tower by my order, and sold as a slave to the Barbadoes. This is insinuated in the petition, and by gentlemen that brought it in. These things are noised abroad, as if the Secretary of State could enslave, and had enslaved, the people of England, at his pleasure.

It is also insinuated abroad, as if fourscore members of this House are brought in by my letters.† I know not of three members thus chosen into this House. If I say not truth, those fourscore can contradict me. They hear me.

These reports have caused me to look out my papers for my own defence. I have found my papers, as to the examination of this Thomas, by a justice of peace. He went sometimes under the name of Tomlins, sometimes of Green.

One Custis and one Norwood, merchants, that transacted with them, under pretence to buy arms for the plantations, put them up in deal trunks, and put bottles in the top of them, and carried them under the name of bottles of wine and bedding, sent from several inns, by the carriers, to several gentlemen's houses.

This Thomas was intrusted with this business, from top to toe. He paid 150*l.* to this Norwood, by buying of these arms. He was committed to the Tower, whether by my order or not, or how long, I know not. All means were used to make him discover, but he proved a peremptory fellow,

Mr. Dixwell, Colonel Clark, Mr. Godfrey, Colonel Birch, Mr. Knightley, Lord Marquis of Argyle, Major Beake, Mr. Swinfen, Mr. Cary Raleigh." *Journals.*

* See *supra*, pp. 253, 257, 260, 273.

† See on Scotch and Irish members, chosen at Whitehall, *supra*, p. 220, *note*. "Mr. Howard, a papist," says Mr. Bethel, "had boasted, that at the instance of the Pretender and his Secretary, he had sent twenty members to Parliament." *Brief Narrative*, p. 341.

and would not confess. The witness was then out of the way. He is better persuaded since. One witness was not then sufficient to convict a man of High Treason at Common Law.

He was afterwards sent to the Barbadoes to work. He could give no account of himself. Instead of sending him to Bridewell, which by the law might have been done, he was sent to the Barbadoes.

How he has been dealt with at the Barbadoes, I do not know.

He is here come to hand, and he is upon the stage again. I hope you will secure him, and if there was aught of irregularity in that exigency of affairs, I hope you will easily forgive us, it being for the good of the whole. Nought else could have induced us to have acted, if we did aught against law. Therefore, I hope you will, upon proof of this, issue your order to secure this person. I hope you will not take bail. None will bail life for life. He gives out, there was but one carrier that would swear against him, and he is dead. The proofs were taken in January, 1654. Here they are. I hope you will not refer his petition only, but refer the business to an examination.

Mr. Reynolds. Be the petition true or false, I would have the fellow secured. It is fit we should take this alarm. Our enemies are flocking to town, and take an advantage of a Parliament sitting, to act all their plots. In one printed speech, I find it that the occasion of the breaking up of one Parliament was, these plots growing under a Parliament. I would not have us countenance them, so as to deserve that character, lest Parliaments be accounted mischievous.

I am so far from not having this fellow secured, that I would also have a declaration, to banish all maligants twenty miles out of town.

For the other part, as to the electing members to this House, I shall speak afterwards, to what I hear abroad, in relation to what that gentleman says. I would have this also examined, that we may vindicate one another, and come together to fast, with a spirit of union indeed.

Lord Lambert. I have heard much of that about electing members to this House by letters.* I hope you will take a time to examine it, and take care to prevent it for the future.

For the other business, I would have as little looking back as may be. If all actions be questioned, that have been done in these late transactions, who of your friends that have served you fourteen years, can excuse his. I would not have those that came in after the heat of the day, to look back with so much severity.

Remember the whole business of Norwood and Custis. There were arms at that time sent to one Mr. Vernon, and to another gentleman in Staffordshire. Sixty cases of pistols were found in a well. These arms were sent down in trunks, as bottles of wine, to make merry against Christmas. I do not so well remember this Thomas, as the rest. The carrier's packs were seized, and these arms found. I am afraid Sir Robert Shirley† was too busy at that time.

I would have this man secured, and also a Committee appointed to examine this, about perpetual imprisonment. This is worse than death. And if it be so, that divers persons are flocked to the town, you should make such a declaration as is mentioned; but go over the other question first.

Captain Watson. I am a Justice of Peace in Staffordshire.‡ I examined this business. Several trunks were found in a forest there. They were gallants' arms, and sent by letter into the county, by this Thomas, to a gentleman that was then your enemy. I thought it my duty to acquaint you with matter-of-fact.

Mr. Knightley. That is a levying of arms. I would have him presently tried by his Peers; and, in the meantime, be secured.

Colonel Terrill. If this fellow be an offender, he is a very bold one. He has attended at the door ever since, and offers bail to prosecute. Let him be secured, and brought to his trial next term. I believe he is now at the door.

* See vol. iii. p. 323. † See *supra*, p. 261.

‡ He was now member for Litchfield.

I would not have these reflections on your Committee. They did not proceed upon it, after once they found members concerned; nor did they know it to be a Cavalier's business.

It was moved, by order of this House, to commit him to Newgate.

Captain Baynes and *Mr. Neville* moved, that he be committed by some Justice of Peace. Then, if he be not tried at Sessions, a *Habeas Corpus* lies for him. But, if he be committed by this House, he may lie perpetually in prison, and there is no law to perpetuate a man in prison.

Mr. Broughton. I move, that not only Thomas, but Rivers* be secured, and that by order of this House. There is no danger of perpetual imprisonment; for, unless there be a judgment of this House, his imprisonment ceases with the Parliament, and a *Habeas Corpus* lies.

I would have the declaration speedily drawn, to exclude them forty miles off London, for twenty miles is but an hour's riding, and they may have influence upon this city.

Sir Anthony Ashley Cooper. I move, that your order be for his commitment to Newgate, in order to a speedy trial, according to law.

Mr. Gewen. Call him in, and see what he can say for himself. Let not him nor his companions have occasion to complain of the justice of this House. I would have his petition heard. I would not have men sold like bullocks and horses. The selling a man is an offence of a high nature;† and if he falsely accuse, let him be punished. The law of Moses was *lex talionis*, to false accusers; eye for eye, tooth for tooth,‡ &c.

Let his petition be therefore examined.

Lord Marquis Argyle. I am very unwilling to speak in matters of this nature; yet it is necessary to speak one word. I am glad to see this unanimity now. I hope it will fare so in other things, though there have been differences.

I was here at the Committee, and several members de-

* See *supra*, pp. 253, 255. † *Ibid.* p. 268. ‡ *Levit.* xxiv. 20.

clared, that as soon as ever members were found to be concerned, they ceased.

I am glad that you have no mind to look back. There is a known maxim, *inter arma silent leges.* More ill would occur, if in exigency such courses, though extraordinary, should not be done. I hope, in time to come, unless there be particular necessity, it will be amended.

From the relation I have heard, this person ought to be hardly dealt with; but, as the first step, let him be brought to the bar, and hear him. Then examine, and put the business in a way of trial.

Mr. Thomas Noell. This person in the Barbadoes had equal freedom with any person, to ride on horseback, and had a footman. He has run away,* 200*l.* in debt. He has been since in France, and with Charles Stuart. I am able to aver, on my own knowledge, that what he affirms, as to his usage in that island, is very false.

I would therefore have him secured.

Sir Henry Vane. It is difficult for you to call him in, unless he be at the door. I am very well satisfied of the vigilancy of those that are entrusted with those affairs, both in finding out this man's actions and others. They deserve your notice.

It appears not whether he owns this Petition, nor what his answer will be; but I perceive, by Mr. Secretary's information, that there has been threatening in the case. He was forced to accuse himself, for want of evidence, and sending to the Barbadoes, which I say is not adequate to the offence.

I would not look back, nor would I have innovations upon the people's rights and liberties. There has been indemnity lately granted. Be exceedingly cautious. That party are apt to blemish your justice. As I would have them discouraged, so I would not that the rights of the people should be discouraged.

Divers foul things have been done since the last Act of Indemnity,† which I hope you will consider. I would have the

* From Barbadoes. † In 1657.

person secured, and, in the mean time, the Petition examined, that he may not have cause to challenge you for injustice, but the crime may appear clear at his own doors; that this House may not bear the blame of the arbitrary actings of others.

Mr. Secretary. This gentleman is mistaken in matter-of-fact. I think it was not an intended mistake. If I had said so, I had said ill, and done worse. There were no threats upon him, other than to discover the whole plot. I wish your tenderness to him may not be of dangerous consequence.

Mr. Trevor. This is a charge of high treason. That person was mistaken when he called it a recrimination. I would have him secured, in order to his trial.

Sir Arthur Haslerigge. I am to speak on a different point. There is no question but extraordinary things have been done. An Act of Oblivion passed one year and two years since; and since that time divers that sit in this House have done extraordinary things, and I think it is an extraordinary thing now moved to you. If this offence be four years old, I doubt it cannot be high treason, it being the law that it must be prosecuted within one year. He petitions you as a person wronged. May not he be prosecuted for his treason?

I hope not to be taken as a pleader for that party. So long as I am able to be helped into a saddle, I shall fight against that line that has been declared against as your enemies; but under pretence of this, do not irregular things against the liberties of the people.

Wherefore have we an army kept up, but that we may enjoy our liberties; that no Englishman may be used contrary to the law. I see no cause of lessening this army. I am against it, unless your sense be otherwise. I speak what I think, *pro hic et nunc.* The main end of our army is to keep us from arbitrary and tyrannical actings. We are now in peace. And by doing these irregularities, we become the patterns of those things which we formerly decried.

I would not have you to take up high treason upon a complaint here. Justices of peace may do it without you.

Secure this man in your Serjeant's custody, and appoint a

Committee to examine him, and what can be said against him. Here are great complaints against him. Proceed against him according to law.

Sir Walter Earle. I believe he has bid you either good-night or good-morrow.

Serjeant Dendy. I am against committing him till you find him. He was at the door and is now gone.

Resolved, upon the information given this day to this House, by divers members of the House, of several great offences committed by one Rowland Thomas, that the said Rowland Thomas be forthwith taken into safe custody by the Serjeant-at-arms attending on this House; and that Mr. Speaker do sign a warrant accordingly.

Colonel Clark. Whatever we think here, the designs of the Cavaliers are as high on foot as ever. I would therefore have some declaration or proclamation prepared by a Committee, to send all the Cavaliers so many miles out of town under severe penalties.

Mr. Solicitor-general. I move to the last business, that the commitment of the party be in order to a trial. The objection was weighty as to that of treason, that it must be prosecuted in twelve months; but that statute of 25 Henry III., against raising of arms, has no limitation of time, but may be prosecuted at any time. Therefore leave it to law.

Mr. Annesley. Your business is but half done. The petition is modest. It will be hard to appear upon your books, that one day you receive a petition, and another day commit the petitioner for a misdemeanour.

Mr. Attorney-general. The petition is neither owned nor avowed. Till then, it is not proper to take notice of it.

Mr. Fowell. I move that, in order to law, he be committed to Newgate.

Mr. Chaloner. Appoint a Committee to examine the business before you proceed further.

Colonel Terrill and *Mr. Moyle* heard the person own the petition.

Mr. Bacon. His solicitor desired a petition, to prosecute.

It was moved, on one hand, to examine the business.

Colonel Allured would have justice done to a Cavalier as well as to another.

On the other hand, it was moved that the person ought to come to the bar and own it, in regard a member was concerned.

Mr. Speaker. You never used to receive a charge against a member, unless the petitioner owned it at the bar.

Others said, How can he now own it, when you have frighted him away with another charge; and though he was never so well used at Barbadoes it was not just to send him thither.

Colonel Birch. You never spent two days so ill. I would not have further time spent in it, but have a general declaration against all that party, to banish them twenty miles.

Mr. Godfrey seconded it.

Sir Henry Vane. You are not bound to make every man own a petition at the bar. If he own it at your Committee it is enough.

Major-general Kelsey offered another petition against a member. Query, what is it? It lies upon the table.

It seems Moyle delivered Thomas's petition.

Mr. Disbrowe was against the Petition.

Mr. Young and *Sir John Lenthall* were for the Petition.

Some would leave it to a trial at law.

The debate was thus tugged to and again till one o'clock, and at last ended in no result, as formerly; and the House rose at one.

The House being informed that in pursuance of the order of this House, of March 22, the indenture whereby John Fitz-James and Samuel Bond, Esqs. were returned to serve as members in the present Parliament, for the town and county of Poole, was taken off the file and withdrawn; and that the indenture whereby Sir Anthony Ashley Cooper, and the said Mr. Bond were elected to serve for the said town and county, was returned and received and filed, by the clerk of the Commonwealth in Chancery:—

Sir Anthony Ashley Cooper declared that he was likewise chosen to serve in this present Parliament, for one of the

knights for the county of Wilts: and that he made his choice to serve for the county of Wilts, and waved his election for the town and county of Poole.

Resolved, that a new writ be issued, for the election of a burgess to serve in this present Parliament for the town and county of Poole, in the place of Sir Anthony Ashley Cooper, doubly elected and returned: and that Mr. Speaker do send his warrant unto the clerk of the Commonwealth in Chancery, for the issuing of a new writ for the election of a burgess to serve for the said town and county of Poole, accordingly.

The Grand Committee of Grievances sat.

Colonel Terrill was in the chair.

Counsel was heard on all sides, touching the Register's Office:* viz. on Long's, Edward's, Jermin's, and Sir R. Goodwin's claims.

I left the Committee inclined, after six days spent in it, to leave it as they found it, without any resolution upon it, but report it generally to the House; but Lady Jermin's title was clearest in the sense of the Committee.

Mr. Shaftoe spoke well and long to it.

Thursday, March 31, 1659.

I came late,† and found a Bill for restoring members for Durham,‡ in debate.

Colonel White had offered it immediately upon a petition§ read to the purpose.

* See *supra*, p. 244.

† "The bailif of the borough of Haslemere," (see *supra*, p. 243) and "the Deputy to the Clerk of the Commonwealth in Chancery," had been previously introduced to amend "the indenture and return."

Also, a Committee had been appointed "to examine the case of John Lambert, of Wimbledon, in the county of Surry, Esquire, [Lord Lambert,] concerning a yearly rent of 1228*l.* 17*s.* issuing out of Hatfield Chase, in the counties of York, Lincoln, and Nottingham." *Journals.*

‡ See vol. iii. p. 335, *note* †.

§ "Of the knights, justices of peace, grand jury, gentlemen, ministers, and freeholders, of the County-Palatine of Durham, to have

It was moved that it was irregular.

Lord Lambert was for it.

Mr. Trevor was for it, if well timed.

Colonel Birch was loth to spend time. He moved to the orders of the day, touching the lessening or shortening of the Excise, and to let the business be considered in the general.

Sir Arthur Haslerigge was against the Bill, as come in irregularly. He would have the distribution considered in general.

Mr. Goodrick. This county is the most considerable in the nation.

Mr. Bodurda moved that the Bill might be read now.

Mr. Broughton. If they could so long be content with a Bishop,* and never complain, let them stay awhile. I would have the generality considered. Divers members are sent upon the account of thatchers and thrashers.

Mr. Bulkeley. I am against reading the Bill now. I would have a more equal distribution.† As I hear, there is one Papist has sent you thirteen members.‡ I know not how true it is. If you please, refer the petition to a Committee. I shall not be against it.

Colonel Bennet moved for reading the Bill now.

Colonel Briscoe. You will not hinder the settling it in a public way. We must consider our neighbours as ourselves. It is as considerable as any part of the nation. The business is just.

Sir Walter Earle. Here have sixteen spoken against it. I would have you spend no more time, but refer the petition to a Committee.

Resolved, that this petition be referred to a Committee; and they do bring in a Bill for an equal representative, to

like privilege as other counties, in electing of knights and burgesses to sit in Parliament for the said county." *Ibid.*

* It does not appear "that the Bishop called any Parliaments of his own," after "the Act of Parliament made in the reign of Henry VIII." *Mag. Brit.* (1720,) i. 636.

† See vol. iii. pp. 74, 126, 147, 148. ‡ See *supra*, p. 301, *note* †.

serve in this present Parliament for the county and city of Durham. A Committee was named.

Colonel White moved, that the members for the four northern counties be of that Committee; but it was not liked.

Mr. Reynolds was against that. He would have it both numerous and equal; because he would have this Committee to consider the business in general.

Mr. Trevor moved, to have this Committee consider of a general distribution.

Mr. Manley. This is a business of the greatest concernment. Let every one that comes have a voice.

Sir Henry Vane. I would not that all have voices. It is the first time that ever I heard of the whole House being appointed to bring in a Bill. There never were above nine. It is but one man's work to draw it.

His Highness might as well have done it for Durham, as for Ireland and Scotland.

Mr. Turner. In the Parliament of 54, you spent a month's time at a Grand Committee, at distribution. There is need of taking many away. The distribution is now very unequal.*

The Committee being named, to meet to-morrow, at two in the afternoon in the Star-chamber.

Mr. Goodrick moved that the care of it might be referred to Mr. Shaftoe.

Mr. Speaker. There are either far too many,† or far too few; and if you will not refer it for a general distribution, then the first six will be enough.

Mr. Goodrick moved again, that Mr. Shaftoe take the care of it.

Mr. Speaker. You cannot move twice.

Mr. Starkey. I can offer reasons why the distribution should not be altered.

Mr. Attorney-general. Appoint a day, that you be first possessed of it, before you refer it to a Committee touching a more equal distribution of the members.

* See *supra*, p. 310, *note*†. † Seventy-five. See *Journals*.

Sir William Wheeler. I move, before you debate this, to call the House.

Mr. Annesley moved for this day month, and to call the House a day before.

Mr. Scot. I would not have it put off so long. Hot weather will come on, and you will have time left to despatch this before you rise.

Mr. Bulkeley. I am glad to see this self-denial in the House; for a more equal distribution, even to part with their own right. If you please to appoint it for this day fortnight.

It was offered that this day three weeks the House be called; and that to-morrow three weeks be a day appointed for this House to take into consideration an equal distribution for the three nations.

*Mr. Annesley** moved to alter the words "three nations" for "Commonwealth."

Mr. Hewley seconded it, rather to have it for the Commonwealth.

Resolved, that this House be called over on this day three weeks.

Mr. Swinfen. The business of the Scotch and Irish members will ask too long a debate; therefore, I would have it at present extend no farther than to England, and would have the order of the day read touching the abating the time of the Excise and Customs. The people listen very willingly after any thing that may give them ease.

Resolved, that to-morrow three weeks be appointed for this House to take into consideration the business of an equal representative for this nation.

The order of the day was read, and the bill touching Excise and Customs, &c. was read the second time, accordingly.

Mr. Swinfen. I wish they had been distinct Bills. I would have you now debate what time you will have them to continue.

Mr. Bulkeley. Debate, first, the time of the Excise.

* *Latet anguis in herbâ.* See *supra*, p. 265, *note* *.

Mr. Reynolds. I was, and am still, of opinion that the Bill came in, disorderly.

Mr. Swinfen took him down.

He ought not to have excepted against it, because you have returned it.

Mr. Reynolds went on, and insisted that it was disorderly to take him down.

I shall speak to rejecting it, and then I hope you will think it was not moved disorderly.

It is clearly an imposition on the nation. There is no brief brought in with it. Therefore, you might justly have rejected it.

Nothing but an unavoidable necessity could have laid excise upon the people.* It was not intended to be continual.

A gentleman laughs, but it will be no laughing matter in the conclusion. Haply, when we have passed this, some will say there may be no more occasion for our sitting.

I would have other bills distinctly brought in, and have the powers by you. Strange representations are abroad of our proceedings. They are not for your service.

Colonel Birch. This is plainly to clog the business, and to say as much as that you will have none at all.

Sir Henry Vane. All you have done these two months is to settle all power without you, but nothing is done for the people. In former Parliaments the grievances of the people were always heard first. This will make the people that sent you, think you came not to do their business, but the business of the single person.

I never knew the like, to settle this for life. It is to settle it to perpetuation; for you can do no less for one than for another. I wonder who dare levy the excise upon any law now in force, unless you settle it by this law.

If the settlement be to settle tyranny and slavery, I hope you will not give money to maintain it.

First, see what you have fought for. Be sensible you have somewhat left. We are not so ready to fill up those blanks.

* See vol. i. pp. 292, 323, 351; ii. 270.

The Bill came in irregularly, against order. It is surely to serve some interest; else he durst not have done it.

Mr. Turner. I must in many things disagree from this gentleman. The government by a single person and Lords and Commons, was never the quarrel. Great necessity brought in the excise. That Government* brought it in, and causes the continuance of it. All king's and public lands are sold. Shall your single person, that you have voted, live on the air. I wish it could be done without.

The Bill came in regularly.

Serjeant Maynard. I except to the words,† "dare levy it." Who dare not levy it, if there be a law? We are loose from all rules of government, if we admit any thing to be no law till you have declared it no law. For any judge to have done as much as has been said, I know what you would do with him.‡

I will not dispute the necessity of laying it on. We would have it taken off, but some will not hear of that way. I look upon this bill as a redress rather than an imposition.

It looks strangely now, as it seems settled to perpetuity. I hear nothing offered to ease us; positively, nothing offered, but to bring us to that Government that laid on the excise.

I think it to be a very good Bill, and would have it committed.

Sir Arthur Haslerigge. I thank the knight in the corner for speaking so plainly. I hope to hear no more of comparing any judge with this House. We may make laws, or repeal or alter laws, which a judge cannot do.

I stand amazed how this Bill came in. You know how the Bill of Recognition came in;§ how the Petition and Ad-

* The Commonwealth. See *infra*, p. 316.

† By Sir Henry Vane.

‡ This learned lawyer, prepared, as soon as his restored royal master should "cry havock," to assist in worrying out of life that inflexible patriot, Sir Henry Vane, (see vol. iii. p. 175,) appears already, to mark his future prey.

§ See vol. iii. pp. 25, 26.

vice was made out a law, you know; a possessory right, to all intents and purposes, as was learnedly said.

This Bill brings a double lash with it. If I had brought in this Bill without your command, I should have expected to be sent to the Tower. To the word "dare," I may say, who dare do any thing against law, especially in the sitting of a Parliament? If there had been a law to maintain it, I believe it had not been now brought in to you. There have been so many brought in by side-winds from step to step.

This is a most terrible double-axe Bill, a brown and a black one; brought in instead of a redress of our grievances. It is not to be made a good Bill. I would, therefore, have it reversed. A matter of twelve or thirteen lines is to settle the greatest revenue that ever was.

It is now managed with so much opposition, that I wish not only my tongue cut, but my hand off when I consented; but there was necessity. The butchers rose up upon us, so that else all flesh had perished. I hope this will take you up time enough. I would have it disputed, if any law be of force.

The gentlemen brought it in with good affection. Many times have I brought in things that I have thought good; but when laid by the wisdom of the House, I have been ashamed and acknowledge it.

Let us see what we can do about settlement. We go from step to step, to forget what belongs to the liberties of the people. Any three lines in it would do it. I would have it in two bills. Refer it to a Grand Committee to bring in these Bills.

Mr. Speaker. The arguments for rejecting it ought to answer the Bill, and not turn upon the manner of bringing it in; which ought not now to be called a disorderly bringing it in.

Mr. Drake. I am against rejecting it. If it had not been a law, and that to perpetuity, it had not come in here to retrench the time. The greatest grievance is free quarter; and if this were no law, free quarter must follow.

Mr. Annesley. It came in against order, and I must not but assert it, what is a known order of the House. That word "dare," was mistaken. He said, if there was no law, who dare? The excise was not brought in in the time of a Commonwealth.* It was settled by both Houses before a Commonwealth was.†

This can never be made a good Bill. I would not have us confirm laws by the lump. It was the error of last Parliament. Sixty Acts were confirmed without reading.‡ If we mention the continuance of it, we admit it already settled by law. The words, "unless continued," imply as if it might be now continued by Act of Parliament.

A diligent Committee may dispatch this business. Both these Bills, and your business of settlement may also be going on.

Mr. Bulkeley. I will not be pertinacious in any thing, but I think I had your leave to bring in this Bill.

That bill *in tertio Caroli*, was brought in, not with a blank as this. The word, "continue," is much excepted against. I would have nobody flatter themselves that the excise shall not be continued, unless you will come to a land tax.

If I have deserved a check, let me have it at once, and not forty times repeated upon me. I brought it in by your leave. I grant the laws are not so good as if they had your confirmation.

Mr. Boscawen. I would have it understood whether we confirm it as a law, or help a lame dog over a stile.

Too great excise upon cloth, fish, and tin, destroys trade. This is like the man that wanted a stock, and proposed that living in a great town, every man would give him *5l.* They thought he might deserve sixpence a-piece. I know not whether you will think so of this.

Mr. Scot. This is either the best or worst time to bring this in. This is not properly for the maintenance of his Highness. There is another revenue for him. It is for your

* See *supra*, p. 314. † In 1643. See *Scobel.* ‡ See vol. ii. p. 248.

army. Forty of them now live in the other House.* It is a well rivetted favour to them at first.

I have heard it said that never a good motion in Parliament died. Parliament was never called these one hundred years, but to repair the exhausted charge of the Chief Magistrate. I would see things at ease before you settle this.

The law is not without its flaws. Make it something sweeter, as well in the time as the thing. To settle it for a year will be long; but, it may be, the contracts will lead you out to a further time. The burthen is grievous. There are horrid barbarities in the levying this, which it will probably come to my share to report from the Committee.

I have observed a flaw in the Act of Confirmation, as to 8th Dec. 52, the ordinance of his late Highness. I question if it do not invalidate it. I would have a pennyworth for a penny.

Observe and you will find the Government, since 53, more chargeable than in five years of that of 48. Your expense will be found by the business of Spain and Flanders, and not for want of a provision for your army.

The debate held such tug that it was moved to adjourn.

Resolved, that the debate upon this bill be adjourned until to-morrow morning, and that nothing else do then intervene.

The Committee of Grievances sat.

Colonel Terril was in the chair.

There were several Petitions, three or four were rejected, as improper for the Committee; several were committed.

The Committee for the maintainance of ministers† met, and sat in the Inner Court of Wards.

T. B.‡ was in the chair, upon the desire of Mr. Hewley, who could not attend.

There were brought in the accounts from the trustees for ————,§ but so imperfect that they were returned to them again, to be brought in more perfect on Wednesday next.

* See vol. iii. p. 588, *note* †.

† See *supra*, p. 20. ‡ Thomas Burton, the writer of the MS.

§ Blank in the MS.

The Committee of Privileges sat in the Star Chamber.

Mr. Serjeant Waller was in the chair.

Counsel were heard long in the business of Castle Rising, Colonel Fielder,* against Colonel Jeremy. The election was very foully carried by the Mayor, as influenced from Court, from Mr. Secretary by name, on Mr. Harry Howe, who was lord of the manor, and forced the mayor to return Fielder and Goddard,† as he had done in twelve boroughs more. It was not long since moved in the House, by the by, that a Papist had chosen twenty-six members.‡

The Court party were so afraid of the consequence, that they durst not venture it upon a report to the House; so chose, rather than lay things at Court open to the House, to move to have the election void as to both, and it was so resolved accordingly, wherein Mr. Trevor, being Fielder's brother-in-law, did very discreetly.

It was agreed at the Committee, then, that if either the poll was not legally taken, or any force was used at the election, the election was wholly void.

Serjeant Maynard moved, that a parson had no vote; and *Mr. Gewen* was of the same opinion. He cited 17 *Car.*, and one act of the Long Parliament.

Mr. Turner was *contra.*

I take the law to be the parsons have votes; and the practice is so to this day.

The Committee sat till nine at night.

Good-Friday, April 1, 1659.

I came late.

A petition of Mr. Samuel Vassal was read,§ and committed.

* See *supra*, p. 235.

† See vol. iii. p. 11, *note* †.

‡ See *supra*, p. 310.

§ "Concerning several debts due and owing to him from the Commonwealth, stated upon several votes and resolutions of former parliaments.

A Committee was appointed to review the grievances for Ireland.* All that come to have voices.

The House resumed the debate, upon the bill concerning the excise and new impost; and concerning the customs, and tonnage and poundage.

Colonel Bennet made a long speech to three or four several questions; as to settlement, and barring out the pretenders; adjournment; a committee, &c.; and concluded to reject the Bill.

Mr. Speaker, to the orders of the House.

Every man ought to keep to the question, and not to launch into so many debates and questions.

Sir Arthur Haslerigge. It is no order of the House, that every man that speaks in this House is bound to speak to the purpose. Men have several gifts. Some are not so quick as others. The gentleman began, and concluded to reject the Bill.

Mr. Reynolds. I am of opinion that we should keep to the point. A worthy sitter in the Long Parliament used to launch out, and they used to cry, "*Ad idem.*" Said he, "I know not what *ad idem* means; but I shall speak to the purpose."

Mr. Attorney-general. You well advised. You did not take him down; but did your duty.

Dr. Clarges spoke first to the business of committing the bill to a Grand Committee. He would debate, first, the time of the excise.

Sir William Wheeler. I move to continue the excise for ten years, and to debate this in a Grand Committee; and for you to leave the chair. And that the tonnage and poundage may go in another Bill by way of subsidy.

Colonel Kirkley. Colonel Bennett moved properly, and did not ramble into debates; only it was not well timed.

"Resolved, that it be recommended to his Highness, the Lord Protector, to grant a privy-seal, for the payment of 500*l.* forthwith, to Mr. Samuel Vassal, in part of his debt." *Journals.*

* Also "a Committee, to consider of what is fit to be offered to this House, in relation to the affairs of Scotland." *Ibid.*

He was in the right way, when he said the grievances ought first to be redressed.

This excise was laid *invitâ Minervâ.** The mal-administration ought to be considered. I am able to make out that in Lancaster. 12,000*l.* *per annum* is made of it, and but 4,000*l.* comes to the public.

Let us be secured of our liberties and rights, and let him be branded that will not consent to a fit maintenance to be for the army and our defence.

It is said, those persons that we have voted to transact with us are good men; persons engaged in the same cause.

Sir Robert Goodwin. Parliament used always to grant monies, last. First, take into consideration the liberties of those that sent us hither.

There are not above two lines of the twelve, that are fit to be retained. I would have it be in two Bills, and this Bill laid aside. I would have it go as a grant, and not as a continuance. It is your money that must purchase your liberties.

Mr. Bulkeley. I did not intend any thing but what is well in it; and they that say so, I thank them. They say but right. Did I think this duty would not be levied when I am gone, I should not have brought in this bill.

If you go to transact, I fear you will leave this, the greatest burthen, upon such a footing as that it will never be gone. I am not fond of any thing that I bring in hither. If you please to debate this of the excise in a Grand Committee, and bring in another Bill for the customs, I shall consent.

Mr. Trevor. I wonder to see this jealousy of this Bill. It has been the fortune of our civil wars, to leave things, both revenue and laws, upon such a footing as nothing but necessity can justify. The end of this Bill is, to bring back our purse to where it ought to be, as our natural right.

As to precluding all complaints against excise, leave it to your Committee to bring in a Bill to remedy the incon-

* Against inclination. *Ci. Off.* i. 3; *Hor.* A. P. 385.

veniences, or to take off some part upon some commodities, that at first were thought to advance the revenue, but which prove destructive to the very being and trade of these commodities. I would have the whole referred.

Mr. Godfrey. There is not a word in the Bill for the confirmation or continuance of the duty; nor of grant, as I understand the bill, neither by expression nor implication. If, "cease and determine," "be null and void," be words that grant, give, and confirm, I understand nothing of it. True, here is the word "continue," but no continuance implied; unless the Parliament by an act continue them. This being well understood, would save a great deal of debate.

All that is done is not actually to destroy it. You leave it as you find it, to stand for that time upon its own footing. There is no such dreadfulness in it as is moved.

I would have this referred to a Grand Committee, as to the excise, and another Bill for the customs.

Mr. Gewen. All agree there is an invincible necessity to continue this charge; and all agree it shall be done by a Bill. They only differ as to wording of it.

Some say it is a good law; others not. *Ille affirmat, alter negat.* I have not the spirit of opposition; but I am sworn to maintain the liberties and privileges of the people. *Nullus quisquis conscius suæ fortunæ.*

I would have it in a Grand Committee. There you may order the language of the Bill.

Colonel Parsons. Frustra sit per plura, &c. All those ends that are propounded, may be answered, by appointing a Committee to bring in a Bill to assert the necessity for money of this revenue. I cannot see how we can divide our oath. We are bound, as well to preserve the people's liberties as his Highness's just right.

Sir John Northcote. The gentleman that brought in the Bill deserves thanks from you and from the nation. All exceptions against the Bill are against the words; which a Committee may amend. I am for the commitment of the Bill.

First make a previous vote, that no money shall be levied

but by assent of this Parliament. That will answer that objection, that this is no confirmation; or, else, let your Declaration be connected with the Bill.

The customs have always been dedicated to the sea service, the excise to the army. Give it as a free gift of yours to the Protector, or for two, three, four, or five years. I like not those words, "unless there be extraordinary occasion for them." By that rule, the Chief Magistrate may take it up, again, when he pleases.

Mr. Neville. I am so far from blaming the gent—n that brought in this Bill, that I would have brought it in, myself. I believe there are some defects in the levy, that unless you do something in this, they cannot act so cheerfully, that act in it.

The ends of Parliament have ever since King James's time been untimely ends. The people were wise, and would not serve those ends that they were called together for.

Our new monarchy had the same influence on Parliament. The Instrument of Government had made good humane provision for the maintenance of thirty thousand men,* with whose pay you could not meddle.† It was not thought so good to be on a military account, but upon a legal, which you know has its flaw.

If there had not been a necessity for calling you, you had not been here. You are here to serve turns, to strengthen the government, and to pay two millions of money.

You have a single person in a possessory right, put in by the Council; that call themselves a council, I know not by what law. You have made several votes. I hope, if ever the Bill comes on again, we shall speak to that point of the single person. Consider your own constitution before you settle your revenue. This is *hysteron proteron*.‡ It may be, you will think fit to retrench the Chief Magistrate's

* "Horse and dragoons 10,000, and 20,000 foot." *Art.* xxvii. *Parl. Hist.* (1763,) xx. 258.

† "Not taken away or diminished but by consent of the Lord Protector and the Parliament." *Ibid.*

‡ "To place that after which should come before." *Ainsworth.*

charge, that he may not go out with his chariots and horses, the powers of the heathen.

I would have no excise levied after this Parliament, unless confirmed by the Parliament.

Mr. Stephens. We learn out of the "Mirror of Justices"* the end of calling Parliaments. Noy† said in Parliament, "Before we grant money let us see whether we have it or no." It was a constant rule, to hear the grievances of the people, before ever any money was granted.

The gentleman that brought in the Bill, did it out of a good affection. I am neither for rejecting it, nor committing it at present. I shall not be against granting the excise. I joined with you in settling the single person, and would have him possess a competent support; but do it in its due place.

We have a great deal of need to provide for the people's rights, that have been of late so much abused. I would have successive Parliaments, and not a continual Parliament.

The King could never get the people to acknowledge that the customs were his. This of excise was never to be borne in a Parliament. I would not have this continued, on pretence of necessity, longer then needs must be. I would have two distinct Bills brought in by way of grant; and along with them a Bill to preserve the people's rights.

* "La Somme, appellé Mirroir de Justices, seu Speculum Justiciarum." 8vo. 1642. There were English editions in 1646, 1649, 1659, and an improved edition in 1768. See Dr. Watt's *Bibliotheca Brittanica*, (1824,) vol. 515.

"Andrew Horn," says Dr. Priestley, "the author of the *Mirror de Justices*, lived in the reign of Edward II. His design was, to give the judges of his time a view of what they should have been, and what they were. He frequently quotes the rolls of the Saxon times, and even their very *Year-Books*, which are now vanished; which shows, that we have lost many of our best helps to the knowledge of the history of those ages. He pretends to have perused all the laws of this island, ever since the reign of King Arthur. The English edition differs very much from the French; and yet the translator pretends that he kept close to the words and meaning of his author." See "Lectures on History," (xxix). *Works* (1826), xxiv. 183.

† See vol. ii. p. 444, *note* *.

Sir Anthony Ashley Cooper. Will you settle this revenue, and not in the body of your government, to see what your money shall go to support? It is not yet said what hand you shall have in any thing. Once declare money, they may go on without you.

The money is paid already. I would have you put no discountenance upon it. Make a previous vote, that after this present Parliament none shall presume to levy this duty. That will keep it a-foot this Parliament; and, in the mean time, you may settle it. Nobody can complain why they want money, if we be dissolved. If you have not time to grant it, and be willing to it, you are excused.

I shall offer this previous vote: and he read it and put it to the table. He said it was not his own, but Mr. Neville's.

Resolved and declared, that no law for excise shall be of force, nor excise levied, after the end or other determination of this Parliament.

Lord Falkland. First settle his Highness, before you settle his revenue.

Mr. Disbrowe. Can a vote take away a law? It may strengthen it, but it cannot null it. Is it not better to make it for a time, and then to cease?

It is said, the people's grievances should first be heard. Has not this been taken as the greatest grievance that ever was complained of this Parliament. I am against having it constituted by this Parliament. When first laid on, it was looked on by those that laid it on, with weeping eyes, and wounded hearts. You find this upon you already. Which will be most acceptable to the people, to do it with your own hands, or only to limit it for a time? Time was when this would have been hugely comfortable. If a gift of yours, to whom will you give it? Is it not to your servant, to dispose of it for your use?

It is said, "When the Court was out at heels, then Parliaments were called." This money goes not to maintain a King's court, but to maintain your forces against your enemies.

I will not speak to the parts of it, till it come to the com-

mittee. It may be made a good Bill. I would have another Bill as to the regulation of the customs. It is not for your service to lay so much on it. In silks, if half the customs, it would bring in ten times more. Then they would not steal customs.

Mr. Broughton. I must say to you as was said by the apostle Paul,* "Hear me a few words of your clemency." Every man has not the gift of expressing himself so in short as others. *Potius perirat unus, quam multus.* Let one stay rather than many suffer. I would have this Bill laid aside, never to be heard of again.

It is said, it was brought in with good intentions. We must judge of motions not of intentions. It may be, he consulted some that were too free of the people's purse.

Amongst the Romans, she that would not burn with her husband, was ever after reported a whore. *Non nobis nati sumus.* I had rather leave my head in this House, than go into the country without my heart.

Were I of his Highness's Council, I would never advise him to seek things so high. It looks like the interest of Charles Stuart. It is your honour to be impartial to the people as well as to his Highness. Care for all rights alike. It is offered ten years for the excise. That is three years above a man's life. We must deal with a young man as they do with young whelps; whip him, and not knock him on the head. He will run well enough in the course afterward. We cannot live for ever. Young men must come in our places. I had rather leave my estate to an honest godly stranger than to a stubborn wicked son, to offend God with my estate.

Mr. Speaker, observing a great noise, stood up to preserve the gravity of the House, and to desire that every man might keep to the point.

Sir Henry Vane. I ask, if it be in the power of your Chair to take any man down because he speaks not to your sense, or has not such abilities as reside there.

* *Acts* xxiv. 4

Mr. Attorney-general. The Chair deserved no check. He moved against the disorder, to the end he might be heard.

Sir Anthony Ashley Cooper. The Chair may take off impertinent speeches.

Mr. Trevor. I move that the gentleman go on. He was hunting, and I hoped he would find something in the conclusion.

Mr. Solicitor-general. I move to hear him out. He is of abilities, and will very much show them if he can draw his conclusion from what he has spoken.

Mr. Broughton went on and decried the gallantry of the Court; and told us of a butcher that carried a calf till it was a bull. He concluded to reject the Bill.

Query, if Milo was a butcher?

Serjeant Hale. I except against his speech for reflecting upon Mr. Bulkeley, as if he had consulted with some that were free of the people's purse. It deserves your reprehension, and the animadversion of this House.

Mr. Bodurda. I would not have time spent on that reflection, though it was one. He did not express that any within this House had been consulted. It may be, it was without doors.

The previous vote that is offered, is to perpetuate it; and, if I were a courtier, I should be a friend to that paper. Indeed, you say it shall continue for this Parliament. That is, to continue it for the Parliament's coming here again. This Parliament cannot dissolve itself. Then the Chief Magistrate may keep the excise on foot, for his life at least, and it will be a moot point whether his death dissolve the Parliament.

I had never consented to transact; but that I hoped they would consent to make this temporary: nor can I consent to lay any tax upon the people, till this be made temporary.

I would have this Bill committed.

It will be inquired who brought in the Bill, and when it appears that it was one of the Long Parliament,* it will be

* Member for Newton, Hampshire; and secluded, 1648.

said, this Parliament has a mind to perpetuate themselves, as that Parliament did.

Sir George Booth. This is too sharp a censure upon us, that came here to serve our counties upon a clear footing, without any design of perpetuating a trouble to ourselves. That might have been spared. I was against the Bill coming in at this time; but would have two Bills brought in, to grant this for so many years.

Mr. Francis Bacon moved to commit the Bill.

It grew towards one, and it was moved to adjourn; and the debate was adjourned till to-morrow morning next, after the declaration for the public fast be reported; and that nothing else do then intervene.

The previous vote was thus:*—

Resolved, and be it declared by this House, that from and after the end, or other determination of this present Parliament, no excise, customs, or other imposts be demanded, levied, received, or paid, by any of the people of this Commonwealth, by virtue of any act, ordinance, order, or declaration whatsoever, now in being, or which hereafter shall be, other than what shall be agreed upon and consented to by this House.

Mr. Weaver received leave to go into the country.

The House rose at one.

The Committee of Trade sat.

Major Beake was in the chair.

Sir Sackville Crowe's petition was presented.†

The Committee for the King's children's servants ‡ sat in the Court of Wards.

Mr. Hewley was in the chair. T. B. there.

The Welsh Committee § sat in the Exchequer Chamber.

Serjeant Seys was in the chair.

The Durham Committee sat in the Queen's Court.‖

Mr. Shaftoe was in the chair.

* See *supra*, p. 324. † *Ibid.* p. 254. ‡ See *Ibid.* 273.
§ See vol. iii. pp. 83, 84. ‖ See *supra*, pp. 310, 311.

Saturday, April 2, 1659.

Prayers.

Mr. Grove reported from the Committee to whom it was referred to prepare a Declaration of the grounds and reasons for setting apart a day of fasting and public humiliation, the draught of a Declaration setting forth the grounds and reasons thereof.†

* Here is a blank in the MS. I have supplied the first paragraph from the *Journals*.

† The advantages of "a day of fasting and public humiliation," to complete the machinery of Government, so as to make "the system work well," especially *ad captandum vulgus*, and as a prelude to additional taxes on a burdened people, have been as well understood, and improved in every age, by the cabinet of a monarchy, as they could have been by the courtiers of a Protector.

The Declaration commences with this imposing strain of piety:—

"We look upon it, as a duty incumbent upon us, who are set upon the watch-tower, to declare what we see: and, seriously weighing the condition of these three nations, by God's ways towards us, and our ways towards him, and the present posture of affairs among us, we cannot but have sad thoughts and apprehensions of the tokens of God's just displeasure against us."

The Declaration proceeds to describe "these nations," as "overspread with many blasphemies and damnable heresies, against God himself and his glorious attributes; against the Lord Jesus Christ, his person, his offices, and his merits; against the Holy Spirit; against the word of God, the only rule of faith and life, by denying the authority thereof, and crying up the light in the hearts of sinful men, as the rule and guide of all their actions." Here was, no doubt, a reference to the doctrine of "inward light," as maintained by the Quakers.

Then is denounced, "the growth of gross ignorance, atheism, and profaneness of all sorts; such as are vain swearing and cursing, profanation of the Lord's Day, drunkenness, uncleanness, and other ungodly courses, for which the land mourns." Presently follows a broad hint for persecution, by reminding the magistrate of his pretended cure of souls, and inviting him to become a busy-body in another's matter:—

"That which makes these abominations the more national, and gives us the more cause to be humbled for them, is the too much remissness and connivance of the civil magistrates; to whom belong the care of maintaining God's public worship, honour, and purity of doctrine, as well as of punishing all sins against the second table, in permitting the

Colonel Ter... I move against the word "Parliaments" standing in the Declaration. I would have it go alone to the Protector: it being against your vote to do otherwise.

After a little debate the question was put.

Mr. Speaker declared for the *Yeas*.

Mr. Neville declared for the *Noes*.

The House was divided. The *Yeas* went out.

Noes 78. Mr. Grove and Mr. Moore, Tellers.

Yeas 104. Mr. Bishop and ———*, Tellers.

Mr. Reynell, *Mr. Young*, and *Mr. Poole* went out with us.

Mr. Starkey and *Major Beake* had spoken learnedly to defend the word "Parliament," in the Declaration, and that we were bound by our vote to transact.

Major Beake. If they dissent from this, they are not to be transacted with.

Sir Henry Vane. I doubt this fast will not answer your ends; therefore I am against the fast upon the grounds propounded. It will be but an hypocritical fast. We have been but beating the bush all this while; but making essays as to recognizing the Chief Magistrate. This imposition upon consciences is, I fear, the setting up of that which you always cried out against, and disowned for your cause. I would know what the settlement is.

Rather desire the Protector to put out a Declaration for a fast, and leave it. This is giving away your cause. All is lost. It is a coercing the conscience.

Mr. Onslow. This is but to amuse us, where no fear is. We know whose work it is. There is not a word of coercion

growth of these abominations, by suffering persons, under the abuse of liberty of conscience, to disturb the public ordinances, and to publish their corrupt principles and practices, to the seducing and infecting of others."

One of the paragraphs of the Declaration, laments "a great mortality upon man and beast, besides the decay of trade, and the great dearth;" which, "if the Lord be not so merciful as to send seasonable weather, may threaten a famine." *Journals*.

* Blank in the MS. There is no account in the *Journals* of this motion, nor of the division.

in the Declaration.* I wish we could have seen some instance. I hope those that speak against the thing, will be more unanimous in keeping the day. The objection being so general, I can only give a general answer, that there is no such thing. If I had heard of particulars, I should have answered them. I know no reproach that it deserves.

Colonel Briscoe. I am at present against this *programme;* but not for the reasons offered. The business is good; and the better, the more expedition it ought to have; but you have not agreed about the manner of transacting. It will ask you a great deal of time.

Lord Marquis Argyle. It is a maxim in the Church of Scotland, that ministers shall not meddle in civil affairs. The Constitution of Scotland is against requiring the minister to read the Declaration. If he cause it to be read, as Mr. Swinfen moved, it is all one.

Mr. Broughton. Qui per alium, per se, fecit. You will have some men that haply will not be so active in reading this, as too many things that we have passed. *Finis operis, finis operantis.* I leave it to you to judge by what impulse they brought it in.† Peace ought mainly to be aimed at. Impose it not, but leave it to their discretions. Twenty times I beseech you, be tender, and do not impose upon gracious spirits. I know what it is to have peace with God.

Sir Walter Earle. There is no penalty, therefore no danger of requiring.

Colonel Okey. The most part of the godly people are against imposition.

Major-general Kelsey. If it pass as it does, it will dissatisfy the ministers of Scotland. They allow no fast that passes originally from the Chief Magistrate. They own no-

* Yet see *supra*, p. 328, *ad fin.*

† "Some exceptions being taken to some words spoken by Mr. Broughton, in the debate upon this Declaration,

"Resolved, that Mr. Broughton explain himself concerning the words spoken by him, to which exceptions were taken by the House.

"Mr. Broughton stood up in his place, and explained himself; wherewith the House rested satisfied." *Journals.*

thing of imposition from the Magistrate. Never was a fast kept in Scotland since the Union. If it go, as thus worded, I question how agreeable it will be to the three nations.

Mr. Godfrey. To make a minister a publisher of laws, is to make him a civil officer. The minister's commission is to "go teach all nations."* To clap any more upon him, is to lay a weight upon him, and expose him to snares.

Let the Sheriff proclaim it. I move to recommit it for that end.

Mr. Young. His late Highness, that was as tender of consciences as any man, in all his Declarations, required the ministers to publish the Declaration, but did recommend it to others.

Sir Arthur Haslerigge. It was also required by the Chief Magistrate, formerly, to read letters patent by the minister.

Mr. Bodurda. I move that the churchwarden publish it.

Mr. Boscawen was against that choice.

Mr. Charlton. This is not barely a civil thing, but a religious concern; and the minister is the proper officer to publish this.

Sir Henry Vane. Be careful how you oblige the Church of Scotland. I plead for liberty of conscience for Scotland, as well as for England. The Covenant was to care for the liberty of both alike.

Colonel Birch. That gentleman has most reason to know the grounds of the Covenant.† I am content to satisfy all parties. Instead of "require," I would have "recommend."

Mr. Annesley. The word "require," is all the word of authority that is in the Declaration. Therefore I would have it stand.

Lord Marquis Argyle. I should be glad that this question might be a healing question among us. The end of the Covenant is that we may be one, according to the word of God, and the best reformed churches.

I believe the reading the Declaration will not be much

* *Mat.* xxviii. 19. † See vol. ii. p. 214, *note* *.

scrupled, so long as the matter pleases. If it be left free, it will prove a loose business. Put in constables, churchwardens, and other officers.

Mr. Charlton. I am against the word "recommend." It is to leave it too much at loose. I would have "will and require."

Colonel Okey. I know divers ministers that will be out town, if the word "require" stands.

Mr. Neville. I would not have the Church of Scotland imposed upon, and I desire the like favour for England. Some private congregations would be torn in pieces with wild horses, rather than read this Declaration.

Sir James Mac Dowel. If the word "require" be suitable for England, it will be so for Scotland. If they scruple not the thing, there will be no falling out about the word. I would, to satisfy all, have the word "recommend." I wish all the ministers of the three nations were of one mind.

Mr. Gewen. If there be some that will not own your authority, is that any reason why you should not own your own authority? To clear it the better, let the chief officers be put in to publish it.

Judge Advocate Whalley. The ministers, in 43, challenged the appointment of fasts to themselves. I doubt it will not pass in Scotland. There are no churchwardens in Scotland.

Colonel Allured. You have passed that which is more strict; therefore it is indifferent whether the word "require," stand or no.

Major Beake. You have a magisterial coercion. Words safer are not suitable to you. These words have been in former Declarations for Scotland, and no complaint has been made. The words have not been impeached. I would have the word "require" stand.

Mr. Reynell moved that the word "require" might stand, and it was resolved accordingly.

Mr. Grove moved an addition, viz. "and also to implore a blessing from God upon the proceedings of this present Parliament."

Sir Henry Vane. I like the clause well. I wonder how it

was omitted before. It might have done as well as the clause for imposition. That gentleman might have thought of it.

It was an ill wipe to Mr. Grove who brought in the Declaration; but was a base thing, in that Sir Henry Vane was also of that Committee,* and might as well have looked to that clause to be inserted.

There was added a clause to that purpose.

Mr. Charlton. I would have a clause added, to mourn for the contradictory oaths. A sad thing, if all oaths should be written in a paper, that a man has taken upon every imposition!

Mr. Salway seconded the motion.

Mr. Hewley. Those oaths were but personal and temporal. Let us have no retrospect; but look forward, to prevent it for the future.

Sir Anthony Ashley Cooper. This is a matter of that consequence, that it ought not to be passed by without your notification.†

Monday, April 4, 1659.‡

Prayers.

Mr. Scot reported from the Committee of Privileges and Elections, that, notwithstanding any thing to them appearing to the contrary, upon the whole matter, Sir William Wyndham and Colonel Thomas Gorges, are duly elected, and duly returned to sit and serve as members in this present Parliament, for the borough of Taunton.§

Resolved, that this House doth agree with the Committee.

The humble petition of Hugh Gunston, Mayor of the town

* See *supra*, p. 300, *note*.

† "Resolved, that the debate upon this Declaration be adjourned until Monday morning next, at eight of the clock, and that nothing else do then intervene." *Journals*.

‡ Here is a blank in the MS. I supply this day and the three first paragraphs of April 5, from the *Journals*.

§ See *supra*, p. 299.

of Taunton, in the county of Somerset, was presented to the House, to be read.

And the question being propounded, that this petition be now read,

The House was divided. The *Yeas* went forth.

Yeas 94. Sir William Wyndham and Mr. Wise, Tellers.

Noes 62. Colonel Gorges and Colonel Grosvenor, Tellers.

So it was resolved, upon the question, that this petition be now read.

Resolved, that the petitioner, Hugh Gunston, be left to take his remedy at law, for the matters complained of by him, in this petition.

In pursuance of the order made on Saturday last, the House resumed the debate then adjourned, upon the Declaration for a Public Fast.

Resolved, that this Declaration, ingrossed, be read to-morrow morning, the first business; and that nothing else do then intervene.

Tuesday, April 5, 1659.

Prayers.

Mr. Annesley reported from the Committee appointed to go to his Highness, the Lord Protector, from this House, to communicate the vote of this House to him, for the payment of five hundred pounds to Mr. Vassall, in part of his debt.

That the Committee did go unto his Highness from this House, and did communicate to him the said vote, accordingly; that his Highness's answer thereunto was, that what this House had ordered should be speedily done; and that his Highness immediately sent for one of the clerks of the signet, and gave him express order, forthwith, to prepare a Bill for his Highness's signature, to be passed under his Privy Seal, for the payment of five hundred pounds, forthwith, out of the receipt of the Exchequer, to Mr. Vassall, in part of his debt, accordingly.

The Declaration, ingrossed, for appointing the twelfth day

of May next, to be set apart for a day of fasting and public humiliation, was this day read the third time.

Sir Arthur Haslerigge. It is an impossible thing to take the other House into your legislature. It will make your laws disputable. You may give them what power you please, but a legislative authority you cannot give them. After-ages will tell us so. It is one thing to restore, another to create. The old Lords came in upon prescription. The other came in *de novo*. I am confident none of the Long Robe will deny this.

This way tends not to settlement. First, this should have been a Declaration, now it must be an Act. It does not please all abroad. I never knew any thing come in upon design, that did thrive here. I am not against transacting. Now you are upon the title, there wants in the Bill taking notice of the plague breaking out, which I hear is in Martin's Lane.*

We have not fully acknowledged his Highness's right.

* I have not found in the Diurnals any account of this alarm. The plague had frequently appeared during this century, prior to the awful visitation in 1665. (See vol. i. p. 412, *note*.) In 1603, there were buried in London 37,294, of whom had died of the plague 30,561. In 1625, the total of the burials is 51,758, of which 35,403 had died of the plague. In 1630, those who died of the plague, were 1317 out of 10,545 burials; and in 1636, 10,400 out of 23,359. See "Natural and Political Observations, made upon the Bills of Mortality. By Captain John Graunt, F. R. S." (1665,) p. 173; *Table*.

"June 1, 1603, (1 *Jac*.) a person was whipped through the town, for going to court when his house was infected." *Chron. Hist.* (1747,) i. 94.

On the visitation in 1625, *Whitlock* says:—

"The plague still raged in London, so that in one week there died 5000 persons. It was also spread in many places in the country. In some families, both master and mistress, children and servants, were all swept away. For fear of infection, many persons who were to pay money, did first put it into a tub of water, and then it was taken forth by the party that was to receive it.

"When the plague was somewhat assuaged, and there died in London but 2500 in a week, it fell to Judge Whitlock to go to Westminster-Hall, to adjourn Michaelmas term from thence to Reading. Accordingly, he went from his house in Buckinghamshire, to Horton, near Colebrooke, and the next morning early to Hyde-Park-Corner,

It will distaste the members of Scotland and the north of Ireland, who are on the same footing. It may haply be thought fit first to call an assembly of the three nations.

The speaking against the title, is against the whole Bill; for so, indeed, I would do. I had rather have it desired of his Highness, to set forth a proclamation, declaring the grounds. The last that was set out by the single person, did work very effectually. That was better kept for a long time, and did more good than this will do. It is so unfavourably penned, it will not please.

Opinions are not so rife, as eight or ten years ago. I hope they will every day be fewer. I except against that of decrying the light within them; and also that of the Chief Magistrate's care of the two tables.

It is said, this is to try them, the Lords' House, the other House, call them what you will. I would not have you try them with this. One reason of setting them up, was to prevent imposing upon consciences by the Commons. It is but a temporary law. It only is a law as it requires the minister to read it. It is but only as a trial. It will look more like imposing in expression, than you intend the Act. I appeal to every one that hears me, if this be for settlement. Will it not give a general distaste? If they grant it not, then we transact no more with them. That is against our vote. If they grant it, they settle themselves. I hope they will never do it. It shows they are a check, as they were set up for.

I hope this House will not impose. A moderate Presbytery, will, I hope, not be disliked. Consider what a snake

where he and his retinue dined on the ground, with such meat and drink as they brought in the coach with them. Afterwards, he drove fast through the streets, which were empty of people, and overgrown with grass, to Westminster-Hall; where the officers were ready, and the Judge and his company went straight to the King's Bench; adjourned the Court, returned to his coach and drove away, presently out of town." *Memorials*, (1732,) p. 2.

"I was this year (1625,) sent by my father," says Mr. Evelyn, "to Lewes, in Sussex. The pestilence was so epidemical, that there dyed in London, 5000 a week; and I well remember the strict watches and examinations upon the ways, as we passed." *Diary*, (1827,) i. 7.

lies under this fair Declaration, to make a law for a fast, whereas, never was a law made for a fast; to yield up all by this Bill, before you have settled or bounded his Highness, or that other House. I pray to lay this wholly aside, and send some of your members to desire his Highness to put forth a proclamation for a fast on the 18th of May next.

Mr. Stephens. I concur with this gentleman in part of his motion; but of his grounds, that which he excepts against, is an undoubted truth, viz. "setting up the light in the hearts of sinful men as a guide of their actions, instead of the Scriptures." The Quakers deny the Scriptures to be the word of God, and say that Christ in them is their guide.*

Many Quakers are made Justices. There is one in my county that could lead out three or four hundred with him at any time. The Judges have complained, but could not get him out. I know not what hinders.

I was always against a rigid Presbytery. I would not have consciences imposed on, nor blasphemies and errors encouraged.

I do, indeed, except against the title going to the other House. It will but retard business. It will pass better from the knights, citizens, and burgesses, and his Highness, than to take in the other House, till you have agreed on the manner and sort of transaction, &c. It will not at all intrench upon their power. As to the length of time, the Declaration has a great way to get.

Colonel White. When you have passed this vote, you have done all that you have to do. In the Bill for Recognition you have promised to secure rights, liberties, and privileges. After this, there will be no *salvo*. I would have the Long Robe declare ingenuously with their brethren. When you have passed this, you leave the people to take what conditions the Chief Magistrate will give them. It is a full acknowledgment of him.

Lay this Bill aside, and take it up in due time after you

* See Barclay's *Apology*, "On the Scriptures." *Prop.* iii.

have done right to the people and bounded your Chief Magistrate.

Mr. Annesley. I rise up to vindicate the Committee. You appointed them, not to bring in a Declaration of this House, but a Declaration of the Parliament. If the legislative be said to be in this House, it may be answered, by what law had ever this House alone a legislative power?

It is not an Act. There is not an enacting word in it, only a Declaration. It is rightly moved, that you should not vary the title from the body of the Declaration. You can give it no other title than "of his Highness and of this Parliament." The particulars excepted against were spoken to.

As to that of transacting, I see not how you can now speak against it. It is already resolved, after fourteen days' debate about it, and carried by almost eighty votes.* I must say they are lords, being called by the old writ.

As to those matters of religion, there is nothing in it which any good christian will deny.

Captain Baynes. I wish all were of one mind in matters of religion. Divers will not join with you in the fast. Your brethren, in Scotland, probably, will not. Probably, if it come by way of desire, it will take better than by command; and it would come better if you should wave the other House in it.

I have had discourse with Quakers. I understand not that they deny scripture.

I am against transacting upon the Declaration. Let it go, alone, to his Highness; and, in the meantime, know whether your brethren in Scotland will join in it.

It would be better to lay it aside at present.

Mr. Jenkinson. I move to the orders of the House, to keep to one question. You have two or three before you.

Serjeant Wylde. We ought to be as careful in form, as in any thing: it has great authority. If I demur not to the jurisdiction of a court, I admit it. So does this pass it, by way of a conclusion or admittance, (as we say that have read

* See *supra*, p. 293.

the law,) to be a court. By this you will own them, as much as if you gave them a charter of manumission. You do it, actually, which is more than by Act of Parliament. A negative voice you give them, and what not.

I am not yet resolved to style them lords or princes, upon this new creation. I am against transacting.

Sir Henry Vane. If objections had been answered, I would not have spoken.

You admit a power both in them and the Chief Magistrate, which is yet but in you, and under a possessory right. You give them, by this, as much power as is in you to give. No bounds are given to this other House. You admit that office of Chief Magistrate. As much as in you lies, you leave the Chief Magistrate boundless. You admit the exercise of that power as fully as you can.

If the two of the three estates agree, they may act without you. Where you will be, if this pass now, prudent and wise men, they will consider. Thereby you put all out of your hands. It may very well be, that some gentlemen know there will be such condescending as that will answer all. We that know it not, must needs ponder these things. In every step you have yet gone, you give away all. Do something that may make you appear to be trustees indeed; and not in one moment give away all that you have fought for.

I would have this laid aside for a while.

Mr. Swinfen. I think in the title, it must be expressed, "both Houses of Parliament." Otherwise, if it pass under the name of Lords, every time you will dispute what is meant by that word Parliament.

As to your going to his Highness alone, it is calling yourselves the Parliament, against your constitution. You have voted two Houses. It is fit you should transact in this with them. It is a law. As to bounding them, the same objection will lie against transacting with them, in bounding them, in regard you cannot bound them, without them.

To go to his Highness alone, is an imposing on his Highness, and against your constitution; and because it is agree-

able to the body of the Declaration, I pray that this may be your title: "A Declaration of his Highness and both Houses of Parliament," &c.

Mr. Young. I would have the title agree with the body, and have it in the same words of Parliament, as Declarations and Acts have passed formerly, when three estates existed, nay, King, Lords Spiritual and Temporal.

I have had sad thoughts since I heard it, that this will exclude your bounding the Chief Magistrate. I was against transacting, and should be so again, if I had one hundred votes. I gave my affirmative for the word "Parliament," because I thought, if we must transact, we might as well transact upon this; but if all this be in it that it threatens, I desire my vote again, and shall not transact.

Mr. Attorney-general. I would have those that are so much for bounding, bring in a Bill for us to debate upon; and not be against all business in this manner.

Mr. Boscawen. I am as much for the body of the Declaration as any man. The title is not much, whether "two Houses of Parliament," "or Lords and Commons." You have given them a good boon, in voting to transact with them, and it is fit you should have something in lieu of it. I find a gentleman that was for transacting does somewhat scruple this.

Sir Henry Vane. Put the question, whether the words "this Parliament" shall stand. For the question is, indeed, whether this present Parliament shall stand or fall.

This led into a debate, whether the question should be "both Houses of Parliament," or "present Parliament." The sense of the House inclined for preventing future debate; and, seeing it was stirred to have it, both "Houses of Parliament."

The question being put, that these words, "both Houses of Parliament," shall stand in the title

The House was divided.

Mr. Speaker declared for the *Yeas*.

Mr. Trevor declared for the *Noes*.

The *Yeas* went out.

Yeas 135. Mr. Trevor and Mr. Swinfen, Tellers.

Noes 96. Lord Falkland and Colonel White, Tellers.

Argyle and *Swinton* were withdrawn.

The main question was put for the title, *in hæc verba*, and twice read.

Resolved, that the title of the Declaration, be "A declaration of the Lord Protector and both Houses of Parliament, for a day of solemn fasting and humiliation, to be observed in all places, within the Commonwealth of England, Scotland, and Ireland, upon the 18th day of May, 1659."

The title was written out in paper at the table, and twice read.

Resolved that this title be ingrossed.

The title was ingrossed upon the back-side of the first skin of the Declaration, at the table; and after the ingrossment thereof, was read the third time.

Colonel Briscoe. I fear lest, after this pass, you cannot bound the other two estates.

Sir William Wheeler took him down, and said, he ought only to speak to the ingrossing the title.

Mr. Stephens. Gloucester gaol is very full. From danger of infection, and because the time of sending a commission of *Oyer* and *Terminer* is past, I would have a letter sent from this House to the justices, to deliver the gaol of as many as they may deliver by law.

Serjeant Wylde and *Mr. Annesley* seconded it.

Mr. Trevor and *Mr. Attorney-general* said, it was improperly moved, to interfere with a debate

Sir Arthur Haslerigge being in the gallery called, report; for those sitting there, hearing the sound of a letter, thought it was meant to send that up by a letter. This caused *altum risum.*

Colonel Briscoe offered a proviso; that nothing was hereby intended to hinder this House from bounding the single person and the other House.

Sir Arthur Haslerigge. I move, though it was written in paper, yet the intention being good, that it be considered.

Mr. Chaloner sat next and hindered it.

The thing is good, but being written on the back-side of a letter, it is improper to affix it to the parchment.

I would know whether you will read the superscription.

This was a gross mistake in honest Colonel Briscoe. The Republicans would fain have retained it; but could not with any face, for the utter informality of it. Some cried, read it.

Mr. Henley was against the previous vote before it was read; therefore would not have it read. *Altum risum.*

Mr. Scot. I move against the Declaration itself. In it is complicated the whole quarrel, in point of imposition on conscience. There is a parenthesis, like writing the Lord's prayer on the breadth of a three-pence. (His speech was not so.)

I am glad that it is acknowledged that you will not transact with them if they deny this. It seems some think it yet in their power. I suppose they will not agree to it, because of the imposing clause.

Mr. Trevor moved to pass it and send it up.

Mr. Stephens I left speaking, and came to dinner at one.

When I came in again, I found the House divided upon a proviso to be ingrossed.

Colonel Terrill offered it, to the purpose that Colonel Briscoe had offered.* It was thrown out, by 123 to 73.

The tellers for the *yeas* were Mr. Morrice, and Mr. Wallop; for the *noes*, Mr. Francis St. John and Mr. Darlington.

* "A proviso was tendered to be added to this Declaration, and was read by the gentleman that tendered it, as he stood up in his place; and afterwards brought up by him to the table, and there delivered; and was in these words.

"Provided always, and this House doth declare, that it is not intended by this Declaration, that the House of Commons shall be hereby precluded or debarred, to add hereafter, such bounds and limitations, either to the single person or the other House, as may be required for the public safety and welfare of these nations." *Journals.*

The question was going to be put to agree with this Declaration.

Mr. Grove moved it to be the question.

Mr. Speaker seemed to ask it.

Sir Henry Vane spoke against the Declaration, principally because of the clause touching toleration.* He spoke very high, as was usual; and said it was not so much sin in the Chief Magistrate to omit this, as for us to insert it.

You give away all at once, and may go home and say we have done for the single person's, and other's turns, and nothing for the people.

Mr. Jenkinson. That clause is the fly in the ointment. The assertion is disputable, and by holding out this you covenant with God never to do the like again, and to vindicate it, and punish all those that are against it. In the third paragraph of the twenty-third article of the Assembly of Divines you find this very clause. No text of the New Testament is there cited at all. If any thing could have been found, it would have passed.†

He launched out into a great debate about the power of the Chief Magistrate in religious matters.

* See *supra*, p. 328, *ad fin.*

† This speaker refers, I apprehend, to the following *Sect.* iii. in chapter xxiii. of the "Confession of Faith."

"The civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven: yet he hath authority, and it is his duty, to take order that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline, prevented or reformed; and all the ordinances of God duly settled, administered, and observed. For the better effecting whereof, he hath power to call Synods, to be present at them, and to provide for whatsoever is transacted in them, to be according to the mind of God."

Instead of "no text of the New Testament" being "cited," the margin of the volume now before me has several, and a profusion from the Old Testament. See "The Confession of Faith, composed by the Reverend Assembly of Divines, at Westminster, presented to both Houses of Parliament, lately published, with the Scriptures at large, for the benefit of masters of families." 4to. p. 80.

The gospel holds forth another method, viz. excommunication and church censures. You put a great snare into the Chief Magistrate's hand. There is a time when a man rules to his own ruin. He may be surely fighting against God while he thinks he is doing his duty. I am unwilling to speak to reject it, but only to amend it.

He offered an addition, and "to publish those damnable doctrines."

Colonel Allured, while Sir Henry Vane was speaking, spoke to the orders of the House, that two gentlemen near him gave very uncivil words.

Mr. Hampden, who, it seems, was one, stood up and said a paper was offered him to deliver to another. He told him he could not command him. So the heat expired.

Mr. Gewen. We are careful of confessing too much. I doubt we confess too little. I would have the Bill pass as it is.

Colonel Allured offered a proviso to the same effect as was thrown out.

Mr. Speaker. I cannot take it, unless seconded.

Mr. Stot seconded it, and said it differed, inasmuch as the other said nothing of bounding the Chief Magistrate; and concluded, that he would denounce and renounce.

Mr. Speaker took these last words ill and said, they were a dishonour to a Parliament.

Mr. Bayles called him to explain.

Mr. Trevor. I would not raise heats, but I hope that gentleman has no privilege more than others to speak harder language than the House can bear. The intent of those provisos offered, is to put it in the power only of this one estate, to put what bounds they please upon the other two estates, without their consents. It is not ingenuous to offer such things by way of surprise. I would have things come in barefaced.

All or most of the republicans flocked out, either to dine, or not to be present at the question.

Mr.——* I move that this may not pass. It will re-

* Blank in the MS.

flect on his Highness that is gone. It will be against the minds of a whole nation, and many in this nation. It will not be honourable to pass it when such an inconsiderable number are in the House.

He was taken down.

Mr. Annesley moved that he might frame his language better.

Mr. Trevor moved the like, and not to call eight score an inconsiderable number.

Sir Walter Earle. I will not speak all my thoughts in this business. There are increasing endeavours of some to break us. I have known when a great seal has come to this House to adjourn it. They have laid it aside, and adjourned themselves. These words ought not to be used in Parliament.

Mr. Hobart. I looked on this declaration, when it first came in, as a message from heaven to reconcile us to God; but I found it rather a laying a yoke, than taking it off. The first day many tender souls abroad were for it, who are haply now praying against it. The second day you lost a whole nation.* It is sadly thought abroad that you will return back again to episcopacy. I will assure you it lies sadly on many men's hearts.

Query, how it lies on his own, known to be episcopal?

Some of the Republicans came in again, but very few.

The question was put at half-an-hour after three: "That this House doth agree to this Declaration."

The House was divided. The *yeas* went out.

Yeas 94. Sir Thomas Barnardiston, and Mr. Fleetwood, Tellers.

Noes 34. Mr. Neville and Mr. Hobart, Tellers.

Mr. Godfrey. I move to adjourn till to-morrow, to consider in what manner you will carry this up.

Sir Arthur Haslerigge. I hear the old Speaker is well. I pray that he be sent for, to attend the chair in this great business.

Mr. Trevor. I wonder at this motion. You have deserved better from this house.

* Scotland. See *supra*, p. 331, 332.

Sir Arthur Haslerigge. I am in a great strait. I hope I shall not be mistaken, if I tell you, you have done amiss.

He was taken down, and then went on.

I have heard, by report, that since you were Speaker you have been at court, which you ought not have done. You are the greatest man in England.

Sir Walter Earle and *Major Beake* took exception at the expression, and wished he might explain how the Speaker comes to be the greatest man in England; as we are all as one in this House, and moved to know if he charged it as a crime.

Sir Arthur Haslerigge. I charge it not as a crime, as to that of your being the greatest man in England. Next to the Speaker of the House of Lords, you always took place of all Peers. You represent all the Commons. I desire this may raise no heat. Only make use of this. All the House ought to attend you, when you go.

Mr. Swinfen. That gentleman has been at dinner. Haply he has heard this report there. This is a baiting you with questions, which is not for the honour of this House, to cast reproach upon you by those questions. I would have you give no answer. I have never been at Court myself. I know not the Protector; but I know that you might go to Court, without breach of privilege.

Mr. Hewley. I move that he explain about that of your being the greatest man in the nation.

Mr. ——*. I move that there be a vote thereon, justifying that you have discharged your duty with fidelity and integrity.

Sir Walter Earle. It has been usual for Speakers to go to Court. So long as there is no design in it, ——*. In the Parliament of the 12 *Caroli*, a part of the members, about twelve, went up the back stairs, and told the King, if he would do so and so, they would undertake that the House would do well; but they were well checked, and called to the bar for it.†

* Blank in the MS.

† I have not been able to discover to what transaction this speaker refers. There was no Parliament between 5 *Caroli*, 1629, and 16 *Caroli*, 1640.

Mr. Neville. I blush for that my grandfather was one of those. There were eighty of them; and it was to good purpose. They were men of the best estates. Sir John Widrington questioned them, but could fasten nothing on them, that they went to the Court.

Mr. Godfrey. It was a breach of privilege to bait you with those interrogations. I pray you, declare it a breach of privilege.

Mr. Neville laboured to excuse Sir Arthur Haslerigge, and said it was in anger.

He was mistaken, for the Speaker is in physic, and not fit yet for your service.

Colonel Cox. The honourable Lord (meaning Sir Arthur Haslerigge) said the Speaker was well. That gentleman says he is not. As it was a mistake, pass it by.

Mr. Starkey seconded him, to save heats.

Mr. Bodurda seconded Mr. Godfrey's motion; and, in an ironical way, said, "well moved."

Sir Henry Vane. First declare whether one may go to Court in that manner, without breach of privilege. You have the notes of what men said, and of their names. He that went to Court formerly, made his opinion and advice less, always, in this House.

He laboured to justify or excuse what Sir Arthur Haslerigge had said.

Mr. Trevor. The motion for your removal, I can do no less than assert it a breach of privilege, and desire you would declare it so.

Some that spake against it, have received honours at Court, sitting a Parliament.

Mr. Bulkeley. To interrogate your Chair in that manner, is certainly a high breach of privilege, and you ought so to declare it.

The Speaker, in 54, was at Court oftener than once I fear those that go least to Court would be oftener there, if the gates were open. Strangeness breeds enmity. I came to bring Court and country together. When you have fully recognised his Highness, I hope you will send Committees to him, to create a better understanding.

I would have that worthy gentleman acknowledge a piece of rashness and indiscretion in him.

Mr. Bayles. It is not the first time that gentleman has caused laughter. I move that it be passed by, and go off with a laugh.

It seems that Sir Arthur Haslerigge had taken notice of his laughing.

Mr. Morrice. A little spark kindles a great fire. I would rather throw water upon it. *Omne visible est.*

Colonel Birch. It was a breach of privilege both in the one;* as also in that especially, of saying you were the greatest man in England.†

Sir Henry Vane. Sir Arthur Haslerigge said not that you were the best man in England; but said further, saving one; and would have gone on, if he had not been interrupted.

Mr. Speaker stood up to declare himself. Some cried yea, and some no; but the sense of the House was, that he should not speak, unless there were something charged.

Mr. Jenkinson moved the same; and so it fell asleep.

Mr. Neville. I move to take up the business of money to-morrow.

Mr. Swinfen. Vote that you desire the concurrence of the other House to this Declaration.

Sir Henry Vane. You are first to agree of the manner how you will transact.

Mr. Annesley. Appoint a Committee to consider of the manner of transacting, and to bring it in to-morrow.

Sir William Wheeler. I agree to that motion; but first vote to desire the concurrence of the other House.

The question was, "that this Declaration be carried up to the other House." Some said, underhand, "rather carry it down."

Mr. Trevor. I move not to bring it into question whether it be up-hill or down-hill; but to use the old phrase, "to desire the concurrence of the other House."

* The accusation. † See *supra*, p. 346.

Mr. Neville. I move not to admit them at once; the other House, but the persons sitting in the other House.

Mr. Bethel. I move that the concurrence be desired of the other House, during this present Parliament. *Altum risum.*

Mr. Annesley. Of the Lords', because of the old Peers. *Altum risum.*

Mr. Scawen. That the other House be desired to agree with this Declaration.

Sir Robert Goodwin. Do nothing that justice may complain of, or reason repent. Do it regularly, and refer it all to a Committee.

Resolved, that the concurrence of the other House be desired to this Declaration.

Mr. Trevor. I know not to what purpose you appoint a Committee, to prepare your manner of transacting; unless it be to peruse the books, as to former precedents. They are a co-ordinate power with us; and if there have been formerly any difference, in point of ceremony, the inequality may be waved. I would have us all upon one footing as to that.

Mr. Godfrey. I know not what your Committee can do. Without directions no Committee will undertake it. I move to take this up to-morrow morning.

The debate was adjourned, till to-morrow morning, accordingly; and the House rose at five o'clock.

Resolved, that Mr. George Parker, one of the members of this House, have leave to go into the country for one month.

The Committee of Privileges sat, and heard three witnesses in Mr. Streete's business.* The business of Newcastle was called, and counsel at the bar; but they were presently ordered to withdraw, and to attend on Thursday.

It was moved that the counsel on both sides, would agree of an issue, but they would not consent; so the Committee left them at large, to prepare on both sides, and to shorten the business against Thursday.

* See *supra*, p. 254.

Wednesday, April 6, 1659.

Prayers.

Mr. Hewley reported from the Committee of Privileges and Elections, the state of the case, concerning the election of burgesses for the borough of Castle-Rising in Norfolk.*

Resolved, that this House doth agree with the Committee, that the poll, taken in manner and form, as is contained in the said report, was not legally taken: and that the said election, for and in default of a due poll taken, is void.

Resolved, that a new writ be issued, for the election of two burgesses, to serve in this present Parliament, for the borough of Castle-Rising in the County of Norfolk; the former

* "It appeared to the Committee, that Guibon Goddard, Esquire, Colonel John Fielder, and Colonel Robert Jermie, did all stand to be elected burgesses of the said borough; that the place for choosing of the said burgesses had used to be in the chancel of the parish church of Rising aforesaid.

"The Mayor, having given due notice of the time and place prefixed for the election of burgesses as aforesaid, did, about nine of the clock of the day appointed for the said election, repair to the chancel of the said Church. Soon after, the said Guibon Goddard and Robert Jermie, or some in their behalf, with a drum, and other loud instruments, came to the aforesaid Church, with about 400 persons, some of which were soldiers, armed with swords and pistols, and forced open the doors of the said Church, and entered into the body of the said Church.

"The Mayor, being in the chancel, caused the precept to be read, and appointed one Owen Barnes to take the poll for Mr. Fielder. Mr. Jermie, and those who came in his behalf, and for Mr. Goddard, without the direction of the Mayor, caused certain persons to take the poll for Mr. Goddard and Mr. Jermie, and hindered divers persons which were going up for Mr. Fielder, from giving of their votes; and caused five of voters for Mr. Fielder, to be written down in the poll for Colonel Jermie; so as there was great disorder and confusion in the said poll, by reason of the force, noise, and multitude aforesaid.

"The Mayor declared the said Guibon Goddard and Colonel Fielder, to be duly chosen burgesses to serve in Parliament for the said borough, and returned them to the Sheriff accordingly." *Journals.* See vol. iii. p. 11, *note* †.

election being adjudged illegal and void; and that Mr. Speaker do send his warrant to the Clerk of the Commonwealth in Chancery, for the issuing of a new writ, for the election of two burgesses to serve for the said borough of Castle-Rising, accordingly.

Resolved, that, notwithstanding the day appointed for calling over the House, Sir John Northcote shall have leave to go into the country for one month.

Resolved, that Tuesday sevennight be appointed for the House to determine the cause concerning Mr. Henry Neville and Mr. Strowde, late Sheriff of the County of Berks.

The House resumed the debate of the matters under consideration at the adjournment, yesterday.

This out of the Journals. I came late.

It seems the ceremony of address to the other House had been taken up, and divers had spoken to it, (as Mr. Bacon told me;) some to the cap,* others to the title, whether lords or sirs. Others to have some of the judges attend us, to go on errands for us, as well as for them.

Mr. Neville. Put it in a Grand Committee, to consider of all these things. The case is new. You have not resolved to give them a legislative power. You intend only that they should be, *hac vice.* I would have their bounds accordingly.

Mr. Trevor. I would have all upon one footing, as to ceremony.

Mr. Scot. I second Mr. Nevill's motion for a Grand Committee. Ceremony is sometimes the essence. The *boné* is as necessary as the *bonum.*† You are, at least, co-ordinate with them. They are rather inferior, than superior: but

* "A reverence made by uncovering the head." *Johnson,* who gives the following examples:—

"They, more or less, came in with cap and knee,
Met him in boroughs, cities, villages."

Shakspeare's Henry IV.

"Should the want of a cap or a cringe so mortally discompose him, as we find, afterwards, it did."—*L'Estrange.*

† See *supra,* pp. 263, 298.

a swarm from you. You are the mother-hive. They are but a rib from your side.

I would have it considered whether you will send by your own members, or have Masters of Chancery attend you to go on errands as they do; and have chairs set for your messengers. I hope you will not restore those that are but two years old to have all the privileges of the old Lords. I would have your honour preserved. This is an untrodden path. You must make the way.

Mr. Chaloner. You are now to treat with another House; different from the former. (He told the manner how it was addressed formerly.) I am against leaving it to the discretion of a member. I would have the honour of this House preserved. Debate it in a Grand Committee.

The two Houses sat anciently in the Court of Wards, together.* Why may not the Masters of Chancery go on your messages as well as theirs.† They have a black rod. Your mace is as good.

Mr. Bacon. You have saved the rights of the old Lords. They will not come in upon other terms than formerly. We are inclining to Quakerism,‡ I think. If it be heard abroad, they will say, we are very high spirits. It is religion to be civil. Will any go but bare to a court? There is not that in it, that is made of it.

Captain Baynes. There is a difference between us and private persons. Ambassadors are not bare before princes, because they represent their masters; so does any member represent you. Those persons are rather subordinate to you. You are their masters, and pay them salaries.

Make it your first question whether you will receive any messages from them but by members of your own House. If they send by Masters of Chancery, send you also by

* See *supra*, p. 100.

† The modern practice of the House of Peers is to send messages to the Commons by Masters in Chancery unless the message respect the royal family, in which case judges are employed.

‡ Refusing the customary forms of obeisance.

them; and agree in what manner, and where you will meet in some equal place.

Mr. Charlton. A convocation has been called a Parliament. You have not agreed what you mean by "transact," nor by a "House of Parliament." They may be a convocation, and only designed as a convocation for matters of religion.

These things are of as high concernment as any thing can be. I would have it debated in a Grand Committee. If you send as superiors, or equals, or inferiors, this precedent will be to posterity. Consider whether you will transact with them as Peers.

Mr. Starkey. I cannot believe you ever intended to transact with them, only as to advise and consult with them. We are agreed of the substance. I hope we shall not fall out about the ceremony.

Some gentlemen ground their novelties upon antiquities. Anciently I find the *magnati* * were the Parliament. There are no footsteps of the Commons. The Petition and Advice gives directions in this, though not *in terminis*, but implied. His Highness is bound there to maintain the preeminence of the Parliament, which implies it must be according to the old form; there being nothing expressed in the law.

It is not reasonable that a punctilio should destroy us in our intendment of transacting with them upon a co-ordinate power.

Appoint a gentleman to carry this up, and leave it to his discretion.

Colonel Bennet. I take transacting to signify a legislative power with us, but cannot consent to the former ceremonies. We have a power of altering former ceremonies. I can remember when it was debated in this House how we should transact with ambassadors. What they expect from us, let us expect as much from them. We represent the

* "It was a great mistake in Starkey to call *magnates, magnati* twice, which Bennet took up." MS. See vol. iii. p. 511, *note*.

lives, liberties, and estates of three nations: they can represent no more. I would fain have things at an end, and not hang them by the eyelids thus. It is no less than a judgment upon us. Yet I would have it in a Grand Committee.

Sir John Northcote. I was against transacting; but now you have voted them a court, you must pursue the ceremony fit for a court. As to that of calling them Lords, you have not yet agreed.

The reason of the ceremony of the cap,* since Edward III.'s time, was because of the King's children being in that House, which now are not.

Mr. Boscawen. I am against a Grand Committee, for saving time; but would not have you send your own members. If such kind of people as Masters of Chancery come on their messages, send your clerk, Mr. Smith,† who is one of the Long Robe, and a fit person.

Mr. Stephens. I was and am for the old Peers; but not for the old line. If the old Peers were there, I should not be against that ceremony; but if you intend to own these as the old Peers, I cannot consent. There is a great deal in the ceremony. I would have your clerk sent to acquaint them that you desire a Committee of your's may meet a Committee of their's; or else debate it in a Grand Committee.

Mr. Attorney-general. I have known the Speaker leave the Chair, and the whole House to go. The Speaker of that House and several members come down to the bar, and there meet members of your own. Though you appoint but one to go, divers other members go. When you go to them as a court you go uncovered, so do they to you; but when you meet upon conferences, I would have you equal with them, both as to being uncovered and sitting, as they do. I would have this sent up now, and appoint a Committee afterwards, to consider of your manner of transacting.

Colonel White. You go not as private persons; but as one

* See *supra*, p. 351, *note*. † See vol. iii. p. 5.

court to another court. I would, therefore, have the same ceremony and respect observed by one as by the other; they being, at best, but co-ordinate.

Mr. Morrice. I should be sorry our's should carry any analogy with what the Apostle says, that we should set up an idol of wood and sacrifice to it;* like as a mistress, who formerly gave commands to her servant, by espousal makes him her master.

When the Carthaginians had delivered up their elephants and galleys, Hannibal told them, they should have considered of the terms before they delivered them up. It had been more seasonable to have observed these. It is too late now. It was the sad fate of Cassandra's† prophecies, never to be believed till fate had forestalled them. The die being cast, we cannot alter our chance. We must play our game as well as we can. They may now be employed as a second convention. To give them a consultative, will imp your wings; but to give them a negative, you will be like a bird in a string. You may flutter, but cannot fly higher than they will suffer you.

"Thou bearest not the root, but the root thee."‡ I shall not dispute ceremonies, so you will care for the substance. It is all one to me, a King of Tuscany, or a King in Tuscany. All is one, between Lords "in a House," and "of a House." I would have us, in all things, meet with them in a plain manner, and do as they do.

The stem is of as great an honour as the graft. The Commons supply the graft, they are the root. Transact in all things wherein they may advise and digest it. The fruit receives amelioration by the second concoction.

Either send this by your clerk, or appoint a Grand Committee to consider of your ceremonies.

Mr. Godfrey. I except at what he made use of, as to a Scripture allusion. "Thou bearest not the root, but the root

* Referring, probably, to *Acts* vii. 41.

† The daughter of Priam. See *Æneid*, ii. 403. ‡ Rom. xi. 18.

thee." I would not have us lightly to make use of Scripture. The root is Christ.

Mr. Young justified the expression. The root there, is not meant Christ, but the Jewish Church. You are a grave assembly, and upon a grave business. He deserved not that reproof.

Mr. Hewley. It is too far stretched to say the *magnates* had all the power, and it is too low to say they have but a consultative voice. I am absolutely for a co-ordinate power. If a rib, they were taken out of our side, then not out of the head, therefore equal. *Par, in parem, non habet potestatem.* The old peers were equal, at least, to those that took them away.* They pulled them down. Let us set them up. It is said, the Providence of God led us to it. Is God a destroyer, a puller down?

They took them away upon prudentials, so much now complained on.* I would have us co-ordinate in all things; to use the same posture that they do, and preserve "the unity of the Spirit in the bond of peace."† Do not the Lords come to the bar, and stand bare, as well as those that you send to them?

Mr. Scawen. Appoint a Committee to examine into the old form of addresses, and present it to you for your directions.

Mr. Jenkinson. Your vote makes it clear that you intend them a legislature; but, as you intend it but for a time, to make them probationers, you purpose not to give them all the ceremonies that were given to the ancient Peers. I would have the persons that you send the Declaration by, tell them that you intend not to transact with them as a House of Lords.

Mr. Bayles. Leave it to the discretion of those that you send up.

Mr. Swinfen. I would not have you appoint a Committee otherwise than as to your posture in conferences. When the message is carried up, all are bare on both sides; only differ

* See *supra*, p. 23. † *Ephes.* iv. 3.

in this. When he* goes in again, if they be covered, let him be covered, and those that go with him. You may send up this by a member, and vote that all former ceremony shall be observed, except in that of being bare when they come in to receive their answer, and to observe that posture.

Mr. Scot. I move again for a Grand Committee; or else take care to preserve the honour of those that you represent. Not a knight of the shire but represents a thousand times more than they.

Mr. Sadler. I would have them addressed to in all civility, and heartily. If you be the root and they the branches, the root is always placed lowest. Though they be our child, Henry II. held a basin to his son, after he had made him King.† I would do it gravely, lest they become too familiar. Do it as I do with a stranger: knock at his door. I doubt not but they are true gentlemen. I am against a Grand Committee about those ceremonies. They will but laugh at you. It is but like ordering a child, whether he shall go backward or forward, or make a courtesy. I would tell them plainly we could not do it without them; therefore came to them. If they go the pace of their ancestors, I would tell them plainly they would not sit long; and tell them, if we agree in fasting and prayer, we shall agree in other things.

Send by them that are *fide dignus.*‡ I were loth to abuse Scripture; but when I heard that gentleman named, viz. Mr. Grove, I remembered what was said of the priests of old. "They set up high places, and also consecrated a grove."§

* The member who carries the message.

† In 1170. "Dans le festin," says *Rapin*, "qui se fit à cette occasion, le Roi voulut porter lui-même le premier plat sur la table. Ensuite, s'adressant à son fils, il lui dit, 'qu'il pouvoit se vanter, qu'il n'y avoit point de monarque qui fût servi plus honorablement que lui.' Au lieu de répondre à ce compliment, le jeune Roi, qui étoit extrémement fier, se tournant vers l'Archevêque d'York, qui étoit près de lui, lui dit, tous bas, 'que ce n'étoit pas une chose trop surprenante de voir le fils d'un Comte servir le fils d'un Roi.'" *Histoire* (1724), ii. 202.

‡ "Query, if Mr. Smith was not *fide dignus.*" MS.

§ 2 *Kings* xxi. 3.

Mr. Bodurda. I am for transacting in this, upon equal terms. When you meet one another as a House of Parliament, I would have it upon equal terms; but when you send up but two or three members, will you lay them in the balance with your whole House? How can they represent you, when, haply, you are, at the time, transacting the great affairs of the nations? This is very unequal.

Mr. Steward. To be civil is no dishonour to this House. Your messengers are no co-ordinate power with them, though you be. You will, surely, send a message by such as understand your debate, and not by one that must deliver your message like a parrot: what you tell him.

Serjeant Maynard. It is not fit the House of Commons should be bare, at any place. The judges and masters of Chancery sit not there to go on messages, but to advise. You send up by your own members. The more your messages are, the more your honour. This House has often sent messages to various courts. The Judges are bare, in civility, when they receive them, and then are covered, and so, when one judge of one court comes to another court. I think this, under favour, is not worthy the time spent about it.

Serjeant Seys. If we resolve not to send, till we know by what messengers they will send; this is like him that had a large letter patent and a clause in it, that he should not show it to any. I question how could that clause be known, if not shown. It is not worth the time to spend about this ceremony. As they are but probationers, try them with this message, at this time.

Lieutenant-general Ludlow. You are a very self-denying Parliament. I wish we would more regard the rights of those that sent us here.

Sir John Northcote. I move an expedient, which I hope will answer all, viz. "that Mr. Grove deliver the message, and return to this House immediately, without an answer."

Mr. Attorney-general. I second it. This is usual; not to let your members wait, but that they come away immediately.

Sir Walter Earle. Your member is to stay at the bar, and not to say any thing till they come down to the bar.

Nor ought there be any more than two legs.* It is not proper that your member should come away without an answer.

Mr. Solicitor-general. In conferences the same posture that they use may be used by you; but in case of messages it cannot be practicable to use the same respect. You would be loth to have any member of their House stand covered in your House; no less ought we to do: but I am against your messenger's coming away without an answer.

Sir Walter Earle. I have known six peers at a time come into this House, and six chairs set for them; and they have not been covered till your Chair has wished them to take their ease. I hope you intend not to lay aside the old peers. See, you have voted to save their rights.

After an hour's longer debate, while I was at dinner†,

The question was proposed, that a Committee be appointed, upon this debate, to consider of the manner of transacting with the other House, and to report their opinion therein. The question was put if the question shall now be put? It passed in the affirmative, and the main question was put and resolved *ut supra*, viz. Mr. Attorney-general, Sir Walter Earle, and fifty-eight more. To meet in the Speaker's Chamber this day, and report on Friday morning.

Resolved, that in all messages unto, and conferences with, the other House, the like respect, and no other, be observed by the members of this House, that is observed by the persons sitting in the other House. It was first put, if the question shall be put.

Resolved, that the Report from the Committee for inspections of the Treasuries and Revenue, be made to-morrow morning the first business, and that nothing else do then intervene.

Resolved, that Mr. Henry Neville, one of the members of this House, have leave to go into the country for one week.

The House rose at one.

The Committee of Grievances sat.

* See vol. iii. p. 21. † At twelve, as the House, rose at one, *infra*.

Colonel Terrill was in the chair.

Mr. Cartwright and *Colonel Bennet* presented a petition against Chadwick, Peverell Court, to which he is ordered to give his answer before the 1st of May. Whereupon several questions and resolutions arose.

1. *Serjeant Maynard* and all the Long Robe.

That a *quo warranto* would remedy it, as in all cases where a subject claims a court; but it seems it is a leet, and in his Highness's name, which is only relievable by a legislative power.

2. That the Chief Magistrate by letters patent could erect no such court. The stanneries were taken down by Act of Parliament.

3. *Serjeant Maynard, Sir Walter Earle*, and others. That a Grand Committee cannot delegate their power of hearing causes; viz. as to send for persons, papers, &c. For *potestas delegata non potest delegari.* A trust cannot be transmitted.

Sir Arthur Haslerigge and others, *contra, per legem Parliamenti.*

The Committee of Ceremonies sat in the Speaker's Chamber.

Sir Walter Earle was in the chair.

Resolved, that all messages from this House, shall be sent by our own members.

Resolved, that no message shall be received from the other House, but what comes by members of that House.

Query, what more was resolved? Several things were offered.

The Committee for Maintenance of Ministers,* sat in the Court of Wards,

T. B. was in the chair.

Received the accounts from the trustees, &c. and them, and referred it to the members of the several counties, to inquire into, &c.

Mr. Baldwin. Seeing I was in the chair at a Committee where you had given power to send for papers, &c. and now

* See *supra*, p. 20.

doubted it, in pursuance of your order I had sent for considerable persons. He was desired not to proceed further till the pleasure of the House was known. It was agreed unless the House give power to delegate, it cannot be done.*

Thursday, April 7, 1659.

Prayers by a Scotch or Yorkshire minister.

Mr. Speaker took the chair at nine.

Resolved, that Mr. Morrice, one of the members of this House, by reason of his indisposition of health, shall have leave to go into the country for a month, notwithstanding the order for calling over of the House.

It had many negatives, they being loth to want him.

Lord Fairfax presented a petition on behalf of lame soldiers and widows, for the payment of their weekly pensions.†

Sir William Wheeler. See the state of your money first,

* "Whitehall, April 6. This evening an address was made to his Highness, in one of the public rooms of audience, intituled, 'The humble representation and petition of the officers of the armies of England, Scotland, and Ireland.' In general, it tended to set forth the present state of the army, in reference to their concernments as an army, and in respect to the public interest of the Commonwealth.

"This address was entertained by his Highness, with a very great affection and respect to the whole body of officers which presented it, using many expressions of tenderness and endearment to them, as the old friends of his renowned father, and the faithful servants of the public interest of these nations, in the maintenance whereof he resolved to live and die with them. In a word, so great a satisfaction appeared on either side, at this meeting, as that it speaks nothing less than a vigorous asserting of the present government, to the terror and confusion of the common enemy." *Mercurius Politicus.* No. 561, p. 352.

† "The humble petition of 2500 sick and maimed soldiers, belonging to Ely House and the Savoy Hospital, on the behalf of themselves, and about 4000 widows and orphans, who receive pensions from thence, to have the arrears of their pensions speedily satisfied; and the weekly allowance granted for their relief and maintenance, to be established and duly paid." *Journals.*

and have Mr. Scawen's report from the Committee of Inspections.

Mr. Jenkinson. There is a double portion allowed the lame soldiers, by the justices at sessions.

A Committee was appointed (T. B. and others*) to consider of it, and report their opinion therein to the House; to meet to-morrow.

Mr. Hewley offered a report for Mr. Povey instead of Mr. Nichols, dead.

Mr. Speaker said it would hold debate. He, therefore, called for Mr. Scawen's report.

Mr. Scawen reported from the Committee for the Inspections into the Accounts and Public Revenue:†

A brief view of the public revenue, both certain and casual, with the ordinary expence of the Commonwealth of England, Scotland, and Ireland, respectively in the three nations, for one year, together with a state of the public debts, as the same doth appear to the Committee.

He was called upon to bring it up, but made signs that the clerk might fetch it, he having not done his report, and the clerk fetched it. The Report was read.‡

Mr. Scawen. Your Committee have not entered upon the other part of their directions, as to bringing in the revenue and retrenching your charge.

Sir Arthur Haslerigge. I never saw any thing done so exactly and so speedily as this. I have seen the sense of the House, of their kind acceptance of the report. Let them have the thanks of the House.

Sir Henry Vane. The best acceptance is, to give directions about retrenching your charge. The chairman deserves your thanks with the others that served you there.

* Lord Fairfax and thirty-nine more. See *Journals.*

† See vol. iii. p. 347.

‡ "The whole annual income of England was 1,517,274*l.* 17*s.* 1*d.* of Scotland, 143,652*l.* 11*s.* 11*d.* of Ireland, 207,790*l.*

"The whole issues of England for a year, were 1,547,788*l.* 4*s.* 1½*d.*; Scotland, 307,271*l.* 12*s.* 8½*d.*; of Ireland, 346,480*l.* 18*s.* 3*d.*" *Journals; Parl. Hist.* (1760,) xxi. 326—338.

Resolved, thanks accordingly.*

The gentlemen of the Committee stood up bare, and

Mr. Speaker gave them thanks, and said they had done it fully.

Mr. Annesley. This is one of the saddest mornings that ever I had in my life. I see an incurable disease, unless you apply a cure presently. I beg you will refer it back. I would have some general resolution, before you commit it.

That the charge of the nation is grown so great, you think it necessary that such a balance should be made as it may not exceed your incomes; else our children shall, in fine, be bond slaves.

A debt increasing 400,000*l. per annum* must needs undermine all, in conclusion. I will instance in one case. The charge of ships in dock is almost 50,000*l. per annum.*† I know no need of this. I doubt much has gone by in the——.‡ I would have but sixpence *per* pound allowed for discovering; which haply may pay all your debts. There will be enough to undertake the search.

Captain Baynes. A great deal of money comes in, not charged here. Not that the knowledge of it will bring any thing. The people pay more than you can have account of.

I would have a self-denial, both here and without doors.

Judges had once but 300*l. per annum*, now 500*l.* They had then fees, and they take them now, notwithstanding. Officers in Ireland have high salaries. I would not have your civil charge mixed with your military. Let them be divided. The civil has eaten it out.

Sir John Northcote. You are in an incurable consumption. You are not bound to pay the debts that are accrued without

* "The House, taking notice of the great pains taken by the Committee who brought in this report, and of their faithfulness and exactness in the stating of this account, it was

"Resolved, that the thanks of this House be given to Mr. Scawen, and to the rest of the members of this House of the said Committee, for their great pains, care, and faithfulness in this service." *Journals.*

† See vol. iii. p. 261, *ad fin.* ‡ Blank in the MS.

your consent. The modesty of the soldiers is great. I would have them paid off; but, before you espouse it, inquire who contracted it; and whatever any Parliament contracted, let us set our shoulders to pay it.

Mr. Trevor. If the proverb be true, "a disease one knows, is half-cured." I shall not enter into how much we owe: we are engaged to pay it. I would have it cared for how to retrench your charge. I would have it referred back to your Committee, to propound the remedies.

Colonel White. The best way to obviate is to take away the cause, the great root, foreign war. Preserve the power of making war in the consultative power, the single person and Parliament.

Consider also, whether it is not for your service to make a speedy and honourable peace. Trade decays.

Sir Arthur Haslerigge. Though you have heard of a great debt, you have not yet made it yours. It is exceedingly necessary to retrench so as to balance your income and charge. Refer it back to the Committee. Officers are multiplied. Consider what it was before: so much in the pound; now constant salaries.

We have lost at least 1200 ships, and have scarce twenty merchant ships considerable. Four hundred lie by the walls.

We can get no rents from our tenants. They are exceedingly scarce, both in city and country. I had no hand, many of us had none, in making war, nor the Dutch peace.*

I would have one added to the Committee for Ireland, and one for Scotland.

He named Lord Marquis Argyle and Mr. Annesley.

Lord Marquis Argyle. There are two things in this report, income and out-going. It is a good motion to take such course as that your debt may not increase. Let your first step be, a good previous vote.

Major-general Kelsey. There is a further attendance upon that vote than you are aware of; that is, to call home your fleet. Your readiest way to make peace with Spain, is to de-

* See vol. iii. pp. 389—391.

clare to prosecute the war with effect. I would have it referred back to a Committee.

Sir Henry Vane. To send it back to the Committee, will not give a remedy. Let it be debated in a Grand Committee, some days in the week; every member to lay it to heart. Let the report be fully debated. You take it up upon trust.

The very 1,300,000*l.* will sink us. It was weak, ever to think otherwise. The blessing of God will never go along with it. It is impossible for the Committee to serve you there.* This is your very blood, and ought to be as precious as blood. It is a bad time to set up with a debt of two millions and a half.† A rot has got amongst the merchants. They break every day, ten at a time.

1. Ascertain the three months' pay to the army, till you can debate this fully. Be sure of that; else you may be in destruction before you are aware.

2. Sit upon the whole report in a Grand Committee.

I wish all gentlemen would come out of the country. They cannot attend a better service. I would have you set seriously to it.

Mr. Secretary. This account is fully stated. It is the first full account that has come in, these eighteen years. I am glad you will take this into consideration. It is well said, "it is your life and blood."

It is happy, that after so many great things passed, and so many millions lost, you come now to understand the state of your affairs fully. I dare not oppose any thing of my own knowledge to the report. My business never was to meddle with money.

I find not the debt so great; nor all risen since his Highness had to do with the Government. A great part of the debt was upon the old footing. The officers brought it into the Commonwealth; otherwise, how the mistake comes I know not.

There is not above 5 or 600,000*l.* since 1653. Such re-

* See *supra*, p. 234, *ad fin.* † See vol. iii. p. 257.

ductions have since been made, as have saved you many millions; upon the new buildings, 23,000*l.** Those warrants I saw. I only speak by what I hear.

The Report makes Ireland 70,000*l.* more than it is. The debts of Scotland and the navy are clear, as is the debt upon Jamaica.† Care is taken to pay the soldiers' arrears and growing pay. Less than half, there, will defray it. They must have acres. The debt of Flanders, as it is reported;‡ the Excise debt the same. There is due from the Excise 100,000*l.* So that, by these defalcations, the whole debt will be but 1,384,000*l.* or thereabouts.

There was, in December 1652, a debt upon the navy of 50,000*l.*; in April 1653, of 600,000*l.* and odd; so it is not much more increased than 400,000*l.*

For the revenue, they make it 1,800,000*l.* It appears by my particulars, but 1,700,000*l.*

The Committee have estimated the summer ships at 50, and the winter ships at 35. There are upwards of 16,000 men now at sea; so that the charge will be more as the ships are more. There was nothing undertaken but for your safety. Your officers have not increased your charge. They have been good husbands.

The Long Parliament had great actions. The armies in England, Scotland, and Ireland, in 1652, came to thrice the sum. It is hard to make it good that 1200 ships are lost.§ Your charge then, was upwards of seven millions; now, four millions.

Customs and Excise were not so much as now, by 120,000*l.* per annum; so that your incomes then fell short, two millions almost. I say not that it was not necessary. I cannot find that, in any case, we have been in the whole above 800,000*l.* besides the Spanish war. There are revenues of Dunkirk, as

* "Compositions for new buildings. 30,229*l.* 19*s.* 7½*d.*" *Parl. Hist.* xxi. 328.

† "Pay of the forces of Jamaica, consisting of 1597 soldiers, with officers, 49,837*l.* 4*s.* 0*d.*" *Ibid.* p. 330.

‡ "73,815*l.* 8*s.* 0*d.*" *Ibid.* p. 331.

§ See *supra*, p. 364.

Excise and customs and contributions. That, in a short time, may go a great way in the charge.

Every man will, no doubt, set his hand and heart to it to bring your charge down to your revenue. About a year since, a reducement was agreed on, which would have saved a great deal, and have brought the yearly charge to near 600,000*l.*; but we could not do it without money to pay off, nor was it so proper for the Council as for the Parliament. Another consideration was, to abate the charge of collecting the Excise, which in farming has much lessened it.

If the debt be no more than we understand, a less sum will serve. Before the year go about, you may think of a considerable retrenchment. All your revenue is charged already by warrants.

I hope we are all clear of misemploying your money. I would have it sifted to the bottom. If any be faulty, let them be punished. I would have this considered, and some present course taken to raise some money.

I went to dinner. The debate continued till after one.

Resolved, that the debate upon this report be adjourned until Saturday morning next, and then taken up again; and that nothing else do then intervene.*

* "Mr. Mordaunt," (See *infra* p. 392, *note*) thus writes to the King April 7, 1659.

"May it please your Majesty,

"Upon the vote for transacting, the general opinion was, whatsoever Cromwell's party pretended to, they would succeed in. The joy of this success soon turned to insolence, which displeased universally; and your poor servants were threatened with ruin upon ruin.

"Truly, Sir, it was a sad week, and what to do to put a stop to the bowl that was tumbling down-hill appeared difficult. But, from this feared and sudden calamity, motions of a self-denying Act [See Vol. iii. p. 443.] for the present relieved us, which though it took no place, yet it resolved into a day of humiliation for the sins of the Chief Magistrate, his suffering the increase of many heresies and schisms." (See *supra*, pp. 300, 328, *ad fin.*)

"The heads and reasons of this humiliation are not all agreed on, the breach of the late solemn covenant being one. How this choked, your Majesty will easily believe. The Commonwealth's men were most

Complaint was made against Thomas Boulron, a bailiff, for arresting one Joseph Drew, who had the protection of the House,* and he was ordered to be sent for in safe custody.†

The House rose at past one.

The Committee of Privileges sat in the Star-Chamber upon the business of Newcastle, and heard counsel on both sides.

Mr. Lilburne prayed longer time, for want of witnesses; but the Committee was sensible it was but delay, and would not grant it, but appointed to proceed on Saturday next.

The Committee of Grievances sat, but I could not attend it, in regard of Blackiston's business.

piqued at it; but, now it appears a likely occasion of division, they digest it well enough; for, Sir, we suppose, of necessity, this will make Cromwell either disoblige the soldiery, who are concerned in this, or the whole moderate party.

"Sir,—I cannot say I think the Presbyters what they ought to be, neither dare I advise your Majesty to rely too far upon them. But, Sir, as your condition was lately, and yet is, this seemed our best hope, and the belief we have of the integrity of some of the leading men of them, made us the more willing to try their power. Many of Cromwell's party apprehend the effects of this; for, if the Presbyterians get up, and Browne [See *supra*, p. 263,] into command, the city will be able to give law to the army, and then they sit not fast.

"Last night a concerned person for Cromwell and his interest, told me we were instrumental in buoying up the Presbyters, and began to declaim much against them; and to assure me, our ruin was likelier to proceed from them, than from the Court, as he called it. To this, I durst not answer, knowing too well, the snares are laid every where to catch me; but in great heat, he pursued his discourse, and told me the former falseness of them, and their aversion to us. In this I closed with him, but said we were so inconsiderable every way, we could no ways prejudice or advance any interest. He told me plainly that Cromwell would secure us if we sought it.

"Sir,—I give you this relation, though in itself not considerable, yet, as it tends to give you additional light of their own opinion of themselves and their own interest, I suppose it may be useful; and certainly, Sir, they apprehend themselves in danger. The person I had it from is so great a villain, that on no terms I durst open myself to him, being a great intimate with Thurloe; but withal, I verily believe he spoke his fears." See "Clarendon State Papers," (1786.) iii. 449, 450.

* See *supra*, p. 1. † See *Journals*.

Friday, April 8, 1659.

I came late, and found the House in debate whether Mr. Henry Howard's misdemeanour at the election at Castle Rising and other places where he had power, should be inquired into.

Colonel Birch and others affirmed that oath would be given that he had boasted in several places that he had sent twenty-four members into this House.*

Major-general Kelsey and *Colonel Clark* were very earnest to have it inquired into.

It seems the report was shuffled in the other morning,† when the Republicans had not opportunity to lay open the foulness of the election; relating to letters from great persons.‡ A papist reputed, ought not to have such influence, and it was agreed by divers that he had been but too active in this part.

Upon occasion of this debate a Petition was presented touching his eldest brother's being kept by him out of an estate of 17,000*l. per annum*, which was referred to a Committee. It seems there was a jury summoned in Surrey, about his lunacy, and Commissioners appointed to manage his estate. Some say that they have gelded the earl in Italy, under physicians, pretending the curing him of his distemper.

Sir Arthur Haslerigge moved that Henry Howard be in custody till the whole matter be examined.

Resolved, that it be referred to a Committee to examine by whom and by what means, the Earl of Arundel, who (as the House is informed) is a Protestant, is detained in the parts beyond the seas; and by whom, and by what right his inheritance here is withheld from him; and to offer their opinion to this House, how the said Earl may be restored to his estate and liberty.

Resolved, that this Committee shall have power to send for parties, witnesses, papers, and records.

Resolved, that it be referred to the same Committee to

* See *supra*, p. 301, *note* †. † See *supra*, p. 350. ‡ See vol. iii. p. 323.

examine the misdemeanours the House hath been this day informed of, to have been committed by Mr. Henry Howard, brother to the Earl of Arundel, at the first election of burgesses to serve in this present Parliament for the Borough of Castle-Rising in the County of Norfolk; and at other elections of Burgesses to serve for other places in this present Parliament.

The question was first put, that this question be now put.

Sir Walter Earle reported the two votes agreed on at the Committee of Ceremonies,* viz.

1. That such messages as shall be sent from this House to the other House, shall be carried by members of this House.

2. That such messages as shall be sent from the other House to this House shall not be received, unless brought by members of their own number.

He went on, and reported what every one had said as to ceremonies. It was agreed by all that no cap† should be used, more on one side than another. As to the style, some were for lords because there were lords amongst us. Others were for lords and gentlemen; others to give the same style as to Mr. Speaker himself.

He said, that albeit the Committee had another day, they would proceed no farther than to those two votes.

Mr. Hobart. The worthy reporter reflected on the Committee in what he said last. It was not his business to tell you every thing that the Committee said.

Mr. Annesley. The House has not, I suppose, a mind now to be merry. The reporter had only to report the votes.

Sir Walter Earle insisted still, that in regard the Committee agreed to leave it to the House, he ought to acquaint the House with that.

He was ordered to bring up his report, which was done accordingly.

Colonel White. Put the question for them first, in regard they come out of you.

It was moved to put the resolves both together. Some

*See *supra*, p. 360. †See *ibid.* p. 351, *note.*

said, they could not vote them singly; others could not agree otherwise.

Mr. Reynolds. Put the second question first; else, you preclude us. Seeing we must transact, let us do it as honourably as we can.

Lord Falkland. These two questions make but one question, and they are no more than what your previous vote does, that in all things the like respect, &c.*

Serjeant Maynard. I can neither give yea nor no, unless you divide the questions. It is a constant order, that if any member desire to have a question divided, you cannot deny it; for else, you preclude him of his vote, and may as well exclude him from the House.

Mr. Young. I agree with the Serjeant, but would have the second question first; otherwise, if the first question pass in the affirmative, as no doubt it will, and the second in the negative, how can you maintain your vote to carry equal respect?

Dr. Clarges. I am for putting the first question first. It is impossible that you should, in all things, use the like respects, and preserve your ancient honour. The Speaker of the other House comes bare to the bar, and receives your message, which you will hardly think fit to do here. The Commons were ever tender of it; and, if the greatest peer in England come in, you must be covered all the time, and keep your chair.

Mr. Hewley. Your Committee exceeded their power in their second resolution. They had only to do with messages from this House, but nothing with messages from the other House. We are not to make laws for them.

Colonel Terrill. The second should precede. There is no danger in putting the second question first. You are bound up by your vote to use the same respect; but there may be danger in the first, preceding.

Major Beake. I have no certainty, I find no assurance, if you pass the second resolution, that you will pass the former.

* See *supra*, p. 359.

Your other vote only relates to your demeanour when you are there.

Captain Baynes. Put the question upon the whole. We are all agreed in the first. Your previous vote will direct you.

Mr. Henley. Put them singly.

Mr. Lee. It is against the orders of the House, that the second question should leap over the head of the former.

Mr. Attorney-general. You have voted to transact with them as a House of Peers, and now you are going to make laws for them; as you do clearly in the resolve. How can this be justified without doors. If a breach happen upon this, and the nation be involved in blood and confusion, how can we justify such a punctilio? If they will not send by messengers of their own, first, it was not so, anciently.

Mr. Solicitor-general. The first question in order ought to be put first.

Mr. Boscawen. Lay aside the report. If they be the Upper House, as is said, they will hardly come down. I would, therefore, have Masters in Chancery to attend you, as them.

Put the question together. I will give my negative.

Mr. Sadler. The sense of the Committee was grounded upon your former vote, to transact upon equal terms. If you divide these votes, you disagree with your Committee and with your former vote. I would not tie them up.

1. They are not such a full body.* Sometimes they may want two or three members, and so cannot so well send.

2. They are now upon an equal footing with you. Spend not time upon such a punctilio.

3. If they could spare members, they must attend long. It may retard their business. They will send you considerable persons.

4. If we differ in any thing of consequence, I care not for sending out for two or three of their members, as they are so near us, for your members to discipline them.

Lay aside the ceremony on both sides, and let some of the

* Probably 40. See vol. iii. p. 547, *note*; called "the Seventy." *Ibid*, p. 566.

Masters of Chancery, six of the twelve, attend. I am clearly against their members coming here.

Lord Marquis Argyle. Being agreed of the substance, I hope you will not disagree on particulars. First, put the question to agree with the whole Report. I incline to those that moved that the Masters of Chancery may attend.

Colonel Bennet. I would have this resolve agreeable to your previous vote. Put the second, first. There is more danger of corrupting your members by their agents than by themselves. They are persons of more honour; nor can it be presumed that it is an imposing laws upon them to consider and appoint how you will receive them. Do you give laws to ambassadors when you appoint how you will receive them?

Mr. Scot. In the Parliament so much spoken of, you voted you would receive no addresses from abroad, unless directed to the Parliament of the Commonwealth of England, and refused all that were not so:* and the Queen of Sweden directed here so. This was moved from the same place yesterday.

Either recommit the Report, or else put the latter, first. It is usual for a great many members to run out to the messengers, when they are at the doors. There is no great inconvenience in the Masters of Chancery attending, though privy to your debate. They are persons of honour, and will not discover your secrecy. Sometimes we have shut up the doors, and obliged all the members to secrecy.

Mr. Stephens. I incline rather to have Masters of Chancery attend you, and go on errands on both sides. It will cut off all debates about ceremonies, of your members going up and demeaning themselves, or of their demeaning themselves here.

Serjeant Maynard. If what is offered could be practicable, I should go to it, *ambobus pedibus.*

The gentleman that was to advise the king, began thus: "The loss of the nail of a horse-shoe may lose a kingdom."

* See a curious specimen. *Parl. Hist.* (1763,) xix. 159.

He argued, " the nail may lose the shoe, the shoe the horse, the horse a general," so may we, by losing time upon these punctilios, spend what should be spent in providing against the grievances which your army complains of for want of pay. If you please, recommit it.

Mr. Annesley. Your Committee can do nothing in it.

Mr. Speaker. I have a letter in my hand from his Highness, as I suppose. I wish you would not go away.

Colonel Matthews. Put the latter question first. I know no law why the Masters of Chancery should be now in that House. They come as near a House of Peers as may be.

Mr. Young. I pray leave to be heard, to offer an expedient.

Mr. Attorney-general. I ask leave for him, because he ought not to ask for himself.

Mr. Hobart. I thought his turn was come to speak after Serjeant Maynard, who had spoken before.

Mr. Serjeant Maynard. I did not speak twice to the business.

Mr. Young. Appoint a Committee to meet a Committee of theirs, to agree of all the ceremonies. You may send a letter to the Lord Keeper of that House to appoint a Committee to meet a double number of yours.

Serjeant Wylde. I would have all upon an equal footing, not an upper and a lower room; but a co-ordinate power.

Resolved, that none of the members of the House, do go out of the House, without leave first obtained from the House in that behalf.

The question was put if the first resolve shall be first put.

The House was divided.

Mr. Speaker declared for the *yeas.*

Mr. Howe declared for the *noes.*

The *noes* went out; *Lord Marquis Argyle* and *Mr. Goodrick* with them.

Noes 112. Mr. Howe and Mr. Boscawen, Tellers.

Yeas 119. Mr. Crewe and Mr. Gerard, Tellers.

So it passed in the affirmative, and the main question was put.

Mr. Speaker declared for the *yeas.*

Mr. Stephens declared for the *noes.*

The *yeas* went out.

Yeas 136. Sir Charles Coote and Sir William Wheeler, Tellers.

Noes 102. Sir William D'Oyly and Colonel White, Tellers.

So it was resolved, that such messages as shall be sent from this House to the other House, shall be carried by members of this House.

The second question was going to be put.

Colonel Birch. I am against it, and against the Committee.

He was taken down, and it was said that he could not speak to the second part of the report.

Colonel Birch. I pray that the order be read, which appointed your Committee. The order was, "in all messages to, and conferences with," &c., but not to impose laws upon the other House. You will destroy utterly what you intend. For, if this go on, you destroy the thing you set up. This debate is clearly lost. You have agreed of directions already. Will you go down to the bar; and the whole House be bare, while their messengers are here?

Lieutenant-general Ludlow. We see what those gentlemen would have, King, Lords, and Commons.

Mr. Annesley. If this vote pass, all the use that the old peers shall be of, shall but be to go on messages; for the other lords are able to outvote them. It is not equal, to bind them to what messengers they shall send.

Colonel White. I cannot believe that gentleman will say their constitution is that of the old Peers. It is clear they are not that ancient House. Can you place a legislative power there, without an Act. He may be certain the old Peers will never come in while they are there.* I pray to put the question.

* See vol. iii. p. 335.

Mr. Godfrey. The Committee have exceeded their power. This latter vote restrains your former.

1. It comes not in regularly.

2. It imposes upon another House; gives laws of demeanour to their members. You will, by this vote, destroy your transacting wholly; if your votes may tie them up. As to that of foreign ambassadors, you may resolve as to what is intrinsical within you, as to what style and appellation you will be called by; but to confine the King of France to send Earls, Viscounts, or such an order of Knights, is utterly beyond your *yea*, and extrinsic.

Serjeant Maynard. The ancient privilege in the Petition and Advice* relates to the other House. The law directs what the privilege is, and upon that account are they warranted. The Privy Council advises, but you advise with authority. I do not believe that the saving of the rights of the old peers signifies any thing. They will be brought in, in time.

You will not make the peers, messengers. A feather in a clock will retard, as well as an iron wedge. A needle may kill, as well as a rapier.

Consider this question well. There is nothing of disparity in this. I wish there had been some expedient. I will not call any thing that you insist upon, a punctilio; but I think there is not so much in it.

Again, your question is improper, to put an affirmative and a negative together. You must put it, to agree with the Committee. There is an affirmative to an affirmative.

Lord Lambert. You intended to give your Committee some power. If a man cast away his sword, he may keep his scabbard, if nothing else. I doubt you have little else left. It is but a ceremony that you are about. It may be done clearly without offence. For members of the other House to come hither, is no more than it is for you to go to them.

I understand that feather to be, that they must be pleased

* See vol. i. p. 387.

to a feather. I take that to be the argument. Pardon me if I mistake. I would have us go, hand in hand together. They will think it no dishonour to bring a message hither. I think we ought to have the right hand of fellowship.

Mr. Attorney-general. It is not equal, unless you come bare to the bar to receive their message. It was never known. If you go this way, do what may be maintained at a conference; if upon the old law, then it is against the Petition and Advice; if on a new law, you cannot make it without them.

Mr. Boscawen. The cap at conferences will also be a feather in the clock. The Petition and Advice excepts not that. Why may not their bar be open as well as ours. Appoint a Committee to consider all this.

Lord Marquis Argyle. I would have nothing done that may destroy what you have done in the previous vote. Appoint a Committee to agree of such a way as may preserve your vote and keep you upon an equality.

Mr. Bulkeley. I offer an addition, "or others sitting by writ in that House." Though it leave them at liberty, they will consider that they are upon equal footing with us. In great matters, send members, however you assert that you are upon equal terms with them.

Mr. Ross. If there be any person here that may sit in the other House, let him. Your Committee too and again offered it as an expedient————*.

Mr. Scot. That gentleman† deserves not so ill from you to be employed as a lacquey.‡ That is English out. I know not what it is in Scotland. It is no less honour, I hope, to him, to sit here than there, and till I see others there I shall think so.

If you can make them old lords, they will call themselves lords, and will tell you they will not treat, else. There is another feather.

You sent for the Lieutenant of the Tower to your bar, and he came.§ It was his duty.

* Blank in the MS. † Sir A. Haslerigge. See vol. ii. p. 347, *note* ‡.
‡ To be sent away to the other House. § See vol. iii. p. 448.

Mr. Sadler. I would have no reflection upon the members of the Scotch nation. The gentleman that spoke here, Mr. Ross, was not understood. It may be, he took notice that there are divers officers of state, as the Attorney-general, the Solicitor-general, the Secretary, &c., who haply ought to attend there; and belong to them more, though members here. Why may you not send by them?

Again, it is more for your honour to wave the question. You forestall their civilities to say that you will receive them here. It may be they will agree to meet you at half way.

Mr. Trevor. The cap was the most distinguishing ceremony,* and had my most reluctancy. The word "respect," in your previous vote, only relates to general ceremony. As I would not have us imposed on, so I would not so impose on them as to make them ridiculous.

The question was put.

Mr. Speaker declared for the *noes*.

Colonel Matthews declared for the *yeas*.

On Mr. Speaker's declaring for the *noes*, a great debate arose who should go out. Some moved it was a new thing, and the *yeas* to fetch it: others, *contra;* for it was a report from the Committee. The case differs, because nothing was upon the books like it.

Mr. Scawen was a *no*; yet took it for a rule that *noes* ought to go out.

Sir Walter Earle was *contra*.

There was a case, 21 *Jac.*, upon a report from the Committee of Privileges, that the *noes* should go out.

Noes 114. Mr. Scawen and Mr. Hoskins, Tellers.

Yeas 127. Colonel Whetham and Colonel Terrill, Tellers.

This was *frusta expectationem*. Query the consequence? It was the first question that ever the Republicans got.

So it was resolved, that this House doth agree with the Committee, that such messages as shall be sent from the other House to this House, shall not be received, unless brought by members of their own number.

* See *supra*, p. 351, *note*.

The letter from his Highness was given by the Speaker to the Clerk, sealed. Query, if he ought not first to have opened it? The contents were, to represent the desires of the officers in their petition, with a copy annexed. The petition is in print.*

It was debated, whether the petition should be read, in regard it was late, and the contents known to all; but it was resolved, by old Parliament-men, that it was always the course, when any message or letter came from the King, to hear it out.

Sir William Wheeler moved, to take off the vote for shutting the doors, which was granted, and I went to dinner; but it was agreed, that a division of the House does take off that order at any time; and the House was twice divided in that time.

A letter from his Highness, the Lord Protector, directed "To our trusty and right well-beloved Thomas Bampfield, Esq., Speaker of our House of Commons, to be communicated to the House," and signed on the head, "Richard, P." and dated "the 8th of April, 1659," was this day read; and by the said letter his Highness represented to the Parliament, the humble representation and petition of the General Council of the Officers of the Armies of England, Scotland, and Ireland, which was read.

The Committee of Trade sat.

Sir Arthur Haslerigge was in the Chair.

He ran out with open mouth after Tom Scot to fetch him to the chair; but it would not do.

The petition of the mariners and seamen for their great loss of shipping and decay of navigation by the late wars, was read, and committed.

The Committee for ministers' maintenance sat.

T. B. was in the Chair.

The Committee for the servants of the late King's children† met and adjourned.

* See *supra*, p. 361, *note* *.

† *Ibid.* p. 327.

Saturday, April 9, 1659.

Mr. Speaker took the Chair at nine.

Prayers by Mr. Cooper.

Mr. Annesley * moved for leave to Mr. Sadler and Mr. Scot for a month.

Mr. Reynell moved for leave to Mr. Young for a month, notwithstanding the call of the House.

Major-general Kelsey. I move that the wives of those gentlemen be sent for up.

* Had the conjecture been now offered to this future Earl of Anglesey, that in a few months he would sit in judgment, *con amore*, on Mr. Scot, (with whom he was thus exchanging courtesies,) and assist in his condemnation to a cruel death (See *supra*, p. 121, *note*,) and a barbarous mutilation, he would probably have exclaimed, like the courtier of an ancient eastern tyrant, "Is thy servant a dog, that he should do this great thing?" Yet, *Wood* says, that "to show his zeal for his Majesty's cause, he procured himself to be put in among the number of those judges." *Athen. Oxon.* (1692,) ii. 598.

Lord Orford, to whom I referred, (vol. ii. p. 320, *note*,) justly exposes "the Earl's sitting in judgment on the Regicides," as "not only a servile complaisance, but glaring injustice;" though "the benign author of the Biographia Brittanica," (Dr. Campbell,) "extols it as an act of the greatest loyalty and honour." See "Royal and Noble Authors," (1759,) ii. 68, 69.

I regret to observe, that Dr. Kippis, in his additions to Dr. Campbell, when referring to such a base transaction, is content with the mild language of this very cautious admission: "the Earl of Anglesey's sitting in judgment on the Regicides, is not so honourable to him as hath been represented, though he certainly had no concern in the King's death." *Biog. Brit.* (1778,) i. 195, 196, 203.

I know not whether Mr. Annesley waited in the train of the restored Stuart, when, among his royal amusements, the King attended these executions, or whether he then feasted his eyes on the mangled remains of his political and parliamentary associates. (See vol. iii. p. 110, *note*.) Mr. Evelyn says:—

"Oct. 17, 1660. Scot, Scroope, Cook, and Jones, suffered for reward of their iniquities, at Charing Crosse, in sight of the place where they put to death their natural Prince, and in the presence of the King, his sonn, whom they also sought to kill. I saw not their execution, but met their quarters, mangled and cut and reeking, as they were brought from the gallows in baskets, on the hurdle." *Diary*, (1827,) ii. 156.

Captain Baynes. Drew and the Keeper of Newgate are at the bar, according to your order.*

They were called in.

The keeper of Newgate, Richard Dike, was asked if he arrested Drew. He answered, that he was committed to him by the High Sheriff. He was asked for his warrant? He produced a copy, and said, he had never seen the original. They always kept it. He never saw the protection. Drew said he showed it the bailiff when he was arrested. Boulron, the bailiff, cannot be taken. The protection was shown to one of the keeper's servants.

Mr. Annesley. You cannot punish the keeper; but set the party at liberty; and punish the bailiff when you can get him. He is only arrested upon a mesne process.

Colonel Birch. This gentleman is able to give us a very good account of public monies concealed; and it is ordinary to ———† men up with actions, to prevent their evidence against them.

Sir William Wheeler. Bills of Middlesex are commonly pieces of knavery and feigned actions, usually vexatious.

First, release the prisoner, and then punish the bailiff when you can get him.

Sir John Coplestone. Ricroft was at the door, at whose suit he was arrested. I pray he may be punished.

Sir Walter Earle. I have precedents to show, wherein the party that set the bailiff at work was punished.

Colonel Allured. Though you cannot find the bailiff, you can find the sheriff, and *respondet superior.*

Mr. Scot offered a petition from Ricroft, showing his ignorance of the protection.

Mr. Speaker. The under-sheriff was with me this morning, and confessed he saw the protection; but was not satisfied to release him, unless his protection were entered in the office.

It seems Ricroft is bail for the bailiff. I would have Ricroft answer it.

* See *supra*, p. 367.

† Blank in the MS.

Resolved, that the under-sheriff of the County of Middlesex be sent for in safe custody, by the Serjeant-at-arms attending this House; and that Mr. Speaker do sign a warrant for the apprehending and taking the said under-sheriff into custody accordingly.

Ricroft was called in. Upon being questioned, Ricroft confessed he had knowledge of the protection yesterday, and released the action last night. He said the action accrued, partly, for a debt owing, and partly for accounts between them.

Mr. Speaker acquainted the keeper that Drew should be discharged without fees, according to the resolution of the House.

Resolved, that the Sheriff of the county of Middlesex, do bring in Thomas Boulron, his bailiff, who arrested Mr. Joseph Drew, at the suit of Josiah Ricroft, in contempt of the protection granted to the said Mr. Drew from this House, and deliver the said Boulron to the custody of the Serjeant-at-arms attending this House.

It was moved to call in Drew to know the carriage of the bailiff upon the arrest. He was called in, and also another that was present at the arrest.

Drew, and the witness, William Cash, being called in, said he was showed the protection, and he said he had a better warrant in his pocket. He refused that. One Smith was with him, who was under-sheriff last year. Smith said, he believed it was their honours' hand and seal, and he told the bailiff so. Yet, notwithstanding, the bailiff went on, though Smith advised him to beware what he did. Drew further affirmed, that the bailiff said, he cared not for the protection; he had a better in his pocket.

Cash was once under the Comptroller of the prize goods, and was forced to fly beyond sea, for fear of actions of 10,000*l.* against him when he began to talk of calling persons to account. Upon the command of the House they withdrew.

Captain Baynes. I move that some remedy be had against the grievances by Bills of Middlesex. No stranger

can come to town but he is in danger of arrest, if any have a spleen against him.

Mr. Speaker. This is a new business, and you have a business to be proceeded upon, and nothing to intervene: viz. Mr. Scawen's report.*

The order was read.

Mr. Scot. Seeing Mr. Scawen is not here, direct whether you will proceed, or put it off till Tuesday.

Mr. Annesley. Send up the Declaration by Mr. Grove.

Mr. Secretary. I move not to leave the other business at large, but to take some care about the arrears of the army, and proceed to fetch in money due upon the excise. Nearly 200,000*l.* is due; and notwithstanding your order, not above 10,000*l.* came in.

Mr. Scot. There appears, to your Committee, to be in all, 150,704*l.* out of the Excise. One member of this House owes above 12,000*l.*, *viz.* Mr. Noell.

Captain Stone. The whole of the new and old debts are 41,000*l.* growing every day. Of that, 12,000*l.* are good; so that there appears to be 170,000*l.* good. This being put in an effectual way, will go a great way.

Colonel Birch. Your Committee are now at work and will give you a further account presently. In the meantime, I shall take leave to speak to the report in general.

I shall not offer to the reduction of any thing. The same officers and garrisons are that were at first. In 1654 I was commanded to attend his Highness to advise about reducing garrisons. In Ireland, the officers do maintain the charge; but in Scotland, and here, it is otherwise. Why may not the soldiers of the army maintain garrisons, without double pay? I shall not take upon me to speak any thing to the officers of the army. They are many of them here, and can tell better what to offer to you in this.

As to your naval charge, I find, upon comparing this with some accounts in my hand, that the charge now is far higher than it was in 1653. When the Dutch war came on, higher

* See *supra*, p. 367.

pay was given. Why should it not continue now as it has done formerly. When I say formerly, I speak not of a hundred years since, but since from 35 to 41. Money is so scarce that in the county where I live, you shall go through a parish worth two or three hundred pounds *per annum*, and not have ten pounds in ready coin. The ships in harbour cost 46,000*l.* *per annum*. In war, let them have the pay of the time of war, in peace the pay of peace.

The civil list is a great charge; but I find above half in half difference from what it was formerly. I have been employed in the country and could not understand that.

Those things being reduced, it may come within your compass to undergo. The charge of bringing it in is very great. Officers pay their own salaries. The Committee of the Army is kept a-foot still, at salaries. Receivers-general and auditors are kept a-foot at the same height, though it is but now 50,000*l.* and was formerly 60 or 70,000*l.* *per annum*. In general, the salaries eat out all your revenue. Your revenue falls, and they stand.

The levying the Excise, is very chargeable. It may be brought into the Exchequer. The salaries are near upon 40,000*l.* *per annum*. Merchants are losers, and knaves gainers. All inland commodities are in farm.

He went on to propound ways of retrenchment, and moved for a Self-denying Ordinance.*

Colonel Clark. It is impossible to retrench. Not above two or three garrisons, but are maritime. You cannot gain by that. Your navy cannot be retrenched. Soldiers abroad have their pay heightened. How can you lessen it? As to ships in harbour, it is but like keeping a stable of horses: they must be kept, whether they be ridden or not. That of the Excise and Customs, is not so clear in case of retrenchment, as is offered. I have known some things of this kind debated in former Parliaments; and whenever you come to make them practical, you will find it otherwise than is offered. The self-denying Ordinance thrust some out of trust, and put

* See vol. iii. p. 443.

others in; but it saved you no money. It was but change of hands in places of trust and profit.

Sir William D'Oyly. You have heard something of your disease, and something of your cure. I wish I could offer you an expedient. There was a Commission for the discovery of false Bills and Debentures: 1,200,000*l.* was discovered. I would that the Chief Magistrate inquire into this, and make discovery how that has been employed.

Sir Henry Vane. This business was before you; but till we have done other matters, we cannot examine it fully. To my knowledge, under the Self-denying Ordinance was brought in 5000*l. per annum.*

Serjeant Maynard and *Mr. Fowell* moved not to clog this commission with this business; but to appoint a Commission on purpose.

Colonel Gorges. His Highness had appointed a Commission to this purpose. They discovered great sums. It was offered by some 1,200,000*l.*; by others, 1,500,000*l.*, and in a very fair way. And if that power given us by his Highness, had had the legislative power, we had gone on with better speed.

Resolved, that a Committee be appointed to examine the deceits and abuses done to the Commonwealth by false and fraudulent Bills and Debentures, and Bills and Bonds for the public faith; and how to prevent such deceits and abuses for the future, and to report their opinions thereupon to the House.

Colonel Birch moved to appoint a small Committee that will attend the business throughout.

Mr. Cartwright moved to examine what lands have been bought by the officers, trustees, &c., either in their own or other's names, contrary to their trusts.

Mr. Goodrick seconded it.

Colonel Birch. I intended to move this; but it will be too great a business for this Committee. I am against referring all to one Committee.

Mr. Reynolds. I hope to find money in purses, where

they ought to refund as much as will pay for that hard breakfast, which was brought in the other morning.*

I move that this Committee be not named, promiscuously; but let every man that moves for any, stand up in his place and lay his hand on his heart, and say in his conscience he thinks such a person fit. I am a purchaser myself, so desire I may not be one.

Mr. Swinfen. I move that a Committee withdraw, and appoint this Committee, or else refer it to your Committee of Inspections.

Resolved, that the number of the Committee to be appointed to this service shall be seven.

Colonel Gorges, Sir William D'Oyley, Mr. Swinfen, Mr. Jenkinson, Mr. Minors, Mr. Foley, Mr. Sedgewick, are appointed to be the said Committee.

Resolved, that no purchaser of any of the lands from the Commonwealth, nor any other person concerned in this business shall be of this Committee.

The names of the seven several persons appointed to be the said Committee were read, and every one of them, except Mr. Sedgewick, who was absent, stood up in his place and gave satisfaction to the House that they were none of them purchasers, or otherwise concerned in the matters referred to the said Committee.

Resolved, that the said Committee for the better carrying on of this service be attended by the auditors and other officers and accomptants who have salaries granted to them from the Commonwealth; and that they do observe such directions from time to time, as they shall receive from the said Committee.

Resolved, that Mr. Speaker do sign such protections, and for such persons as shall be desired by this Committee for the safe coming unto, attending on, and returning from the said Committee, and for the safe continuance here of such persons, for such a time as the said Committee shall desire.

Resolved, that the Committee of Accompts and trustees at Worcester-house do forbear to give any bonds or bills for debentures, till farther orders from this House.

* See *supra*, p. 363.

Mr. Scawen reported from the Committee for inspecting into the accounts and revenue of the Commonwealth; that in the accompt reported, and delivered in to the House, and read on Thursday last, some particulars might be further cleared and stated, for the service and satisfaction of the House.

Resolved, that the accompt, brought in and reported by Mr. Scawen on Thursday last, be delivered by the clerk to the Committee by whom the same was stated, for the service and satisfaction of the House.

Mr. Scawen further reported, a state of an accompt for three months' pay, to be forthwith paid to the army, for their present supply, out of the monthly assessments and excise: the which was read.*

* "April 9, 1659. The Army of England are due for so much as they are to receive for three months' pay, from March 29 to June 21, inclusive, at 28 days to a month, being 84 days, viz.—

	£.	s.	d.
"Out of the monthly assessments 13,766*l.* 16*s.* 7½*d.* a month, the three months come to	41,300	9	10½
"Out of the Excise, 12,902*l.* 14*s.* 8*d.* one month. For three months come to	38,708	4	0
	80,008	13	11
"The Balance of the three Months due to the Army	9,816	10	1
	89,825	4	0
"The Army of England are due to have for three months' pay, from March 29 to June 21, inclusive, being 84 days at 29,301*l.* 18*s.* 10*d.*; and for 636*l.* 9*s.* 2*d.* for contingencies, each 28 days, comes to	89,815	4	0
"The Army are debtors for one half part of 150,704*l.*, owing by the farmers of beer and ale, due March 25, 1659	75,352	0	0
"More there is due in the Treasurer's hands	3,717	18	0
	79,069	18	0
"The Army of England are due to have for the balance of three months' pay, as above	9,816	10	1
"Rests due, to balance the accompt	69,253	7	11"

MS. and *Journals*.

Resolved, that the farmers of the excise of beer and ale, and other inland commodities, that live or are in London, or within five miles thereof, do attend this House on Monday morning next; and that they do then show cause, why they have not paid in the arrears in their hands, and due from them respectively to this Commonwealth, on the five-and-twentieth day of March last: and that it be referred to Captain Stone, and the rest of the Commissioners of Appeals for excise, to give the respective farmers notice of this order.

Resolved, that this debate be adjourned till Monday morning next.*

* The following address, of this time, I have copied from a printed leaf, in "the Collection of Commonwealth Tracts, given by George III. to the British Museum," and which Mr. Godwin has described in the *Advertisement* prefixed to the third volume of his *Commonwealth*. The names of the soldiers subscribing to the address, amount to 680. It is remarkable, (considering the falsehoods of Hume on this subject, in which he has been too implicitly followed,) that there is not, among the whole number, a single Christian or Sir-name, which has the least pretension to be called fanatical; not one which might not have been worthily borne by a Court-prelate, a Crown-lawyer, or a royal courtier, of any description:—

"To his Excellency, the Lord Fleetwood and the General Council of Officers. The humble Address of the inferior Officers and Soldiers of the late Lord Pride's regiment:—

"We, having perused a paper of the sixth of this instant, April, set forth by the order of the General Council of the Armies of England, Scotland, and Ireland, wherein we find the good old cause, which hath cost the people of these nations so much treasure and blood, in the prosecution of the war against the late King, to be again asserted. For which mercy, we hope those amongst us that fear the Lord, shall ever praise his name.

"And, because our consciences bear us witness that we dipt our hands in blood in that cause, and the blood of many thousands hath been shed by our immediate hands, under your command, in that quarrel, we are amazed to think of the account that we must render at the great and terrible day of the Lord, if, by your silence, the freedoms of these nations (so much contended for) should be lost, and returned into the hands of that family, which God hath so eminently appeared against in his many signal providences, little less than miracles.

"And, therefore, in all humility, do declare, that we are resolved to stand by you in the further prosecution of that good old cause, which

The Committee of Privileges sat in the House, upon the business of Newcastle.

Mr. Hewley was in the chair.

Mr. Lilburne endeavoured to set straight; about twenty of his electors, but it was faintly proved in many points, yet gave them great encouragement. The business was adjourned till Tuesday.

The Committee for Lord Arundel met, and the Committee of seven for discovery of false bills and debentures also. Question, what was done?

Monday, April 11, 1659.

I came late. Leave had been given to Mr. Alderman Toll to go into the country.

you mention in the third page of your representation and petition to his Highness, and we shall not think our lives too dear to hazard as formerly, if that old Cavalier party should appear against you, or any other party which shall endeavour to bring us into the like thraldom and bondage. London, Printed 1659." *The King's Tracts*, small 4to. No. 781. See *infra*.

The secret agent of Charles Stuart now communicated to the Chancellor, this further information, which he had succeeded to collect, as to the state and prospects of political parties:—

"Mr. John Barwick to Sir Edward Hyde. London, April 9, 1659. (These for my Lord Chancellor.)

"The moderate party (as they are called) were so jealous of the starting up of a Commonwealth, as they joined with the Whitehall-men, in bringing in, not only the Scotch and Irish members, but the other House also. But, when they came to matter of money, (by the continuance of taxes, excise, &c.) they fell from their former zeal, so as the Protector hath no great confidence in them.

"Some of them begin to see already, they have overshot themselves; for things being brought to the management of two Houses, hath (as is conceived) emboldened the army to that petition, (which, I doubt not, but your Lordship will see,) as hoping they may make their party good in one of the Houses, and not fearing to be voted down by either of them apart, now that both must concur in things of that nature. I cannot learn what number of persons (especially of the Scotch and Irish army) concurred in it; but some say, the Parliament think not of it as a matter of so much weight as themselves think of it." See "Thurloe State Papers," vii. 674.

They were naming a Committee,* touching one Coney, a business wherein Lord St. John was concerned, about the sale of some lands.†

Serjeant Wylde offered a petition in his own behalf, touching taking away his place from him. He set forth, that he was placed, *quam diu se bene gesserit,* and displaced by his Highness without a hearing.‡ He called it his freehold.

Mr. Annesley moved that it be referred to the Grand Committee for Grievances;§ which was done accordingly.

He, also, presented a petition of Lord Craven's,‖ that he might have a passport for his safe coming into England, for six months,¶ to attend his business.

Mr. Fowell seconded it.

Mr. Scot. I am sorry I was born a son of contention. I must oppose that motion. There are too many Cavaliers.

Sir Arthur Haslerigge. I am for his coming over; for he cannot say so much for himself, as is said for him in this House. Let the business be fully examined, and let him answer those things that are laid to his charge. There is more clamour made by those that solicit for him, than he can make for himself.

It was moved for a protection for him. Others called for a pass only.

Colonel Allured. If you give him leave, it is fit you should

* Mr. Trevor and thirty-two other members. *Journals.*

† Query, *per* Journal. MS.

"The humble petition of George Coney, Esquire, was this day read; and was concerning a purchase made by him, from trustees for sale of delinquents' estates, of the manor of Hooke, and several other manors and lands, late parcel of the possessions of John, now Marquis of Winchester, in the counties of Dorset, Devon, and Cornwall.

"The humble petition of Charles Lord St. John, eldest son to John, now Marquis of Winchester, was this day read; and was, concerning his claim and title to the said manors." *Journals.*

‡ "The sum of 1300*l.* was owing to him, for his salary, in respect of that office." *Ibid.*

§ "To examine the matter-of-fact, and to report the same to the House." *Ibid.*

‖ See vol. ii. pp. 125—130.

¶ "And then to return to his charge in Ireland." *Journals.*

take security of him, while he is here. His petition sets forth, that he has got leave of the States-general to leave his charge for six months.

Mr. Reynolds. Be not so hasty to do justice to this man, and to do injustice to three nations. There is too great a confluence of that party here. If he come over, let him give security, as the Duke of Buckingham did;* both personal and other security.

Mr. Raleigh. I move, that, to vindicate the justice of this House and of the Long Parliament, he have all the liberty, by protection, or otherwise, to make out his business.

Captain Hatsell. I move that he also give security for his fellows. One Read, a notorious fellow, came over before, that was very active against you.

Major Burton. It is not rational to bring them to you; but to send them from you, rather. It is told you, 1500 officers are here, and that Massey† is here. Will you have more to head them.

* See vol. iii. pp. 370, 375, 376. Lord Chancellor Hyde thus writes, June 13, 1653, from Paris to Secretary Nicholas, at the Hague, concerning an "Intelligencer" in London, for Charles Stuart;—

"I believe all he says, and all he can say, of the Duke of Buckingham, who, without doubt, will marry Cromwell's daughter, or be his groom, to get his estate." Mr. Mordaunt writes to the Chancellor from London, April 14, 1659: "The Duke of Buckingham is highly busy, and gives out he will reconcile himself to the King by some desperate action; but we look through his villainy, his desires being to drive some loose persons into a plot, which he knows will ruin our whole party. See "Clarendon State Papers," (1786,) iii. 171, 453.

† This General had revolted from the Parliament to the King. Lord Clarendon, introducing the battle of Worcester, in 1651, says:—

"Massey had got a great name, by his defending Gloucester against the late King [vol. ii. p. 107, *note* †.] He was sent with some troops before, and was always to march, at least, a day before the army, to the end, that he might give notice of the King's coming, and draw the gentry of the counties through which he passed, to be ready to attend upon his Majesty. Besides, he had particular acquaintance with the Presbyterians of Lancashire, whom nobody imagined to be unwilling to unite and join with the royal party; nor, indeed, were they."

As the army of Charles Stuart advanced. "Maior-general Massey,

Mr. Chaloner. There needs no protection. He is a Colonel, and nobody can touch him.

who thought himself now in his own territory, and that all between Worcester and Gloucester, would be quickly his own conquest, knowing every step, both by land and the river, went out with a party to secure a pass, which the enemy might make over the river, which he did very well; but would then make a farther inroad into the country, and possess a house, which was of small importance, and in which there were men to defend it; where he received a very dangerous wound, that tore his arm and hand in such a manner, that he was in great torment, and could not stir out of his bed, in a time when his activity and industry were most wanted."

Massey escaped, after the fatal battle of Worcester, but was, no doubt, now again in England, as Major Burton conjectured. Lord Clarendon thus connects that General and his hair-breadth escape, with Sir George Booth's insurrection, "the middle in July," 1659. (See vol. iii. p. 293, *note.*)

"In the beginning of the night, when Massey was going for Gloucester, a troop of the army beset the house where he was, and took him prisoner; and putting him before one of the troopers, well guarded, they made haste to carry him to a place where he might be secure. But that tempestuous night had so much of good fortune in it to him, that, in the darkest part of it, the troop marching down a very steep hill, with woods on both sides, he, either by his activity, or the connivance of the soldier who was upon the same horse with him, found means, that, in the steepest of the descent, they both fell from the horse, and he disentangled himself from the embraces of the other, and being strong and nimble, got into the woods, and so escaped out of their hands." *History*, (1712,) iii. 399, 407, 671.

"April 4, 1659, Lord Chancellor Hyde" thus writes to "Mr. Mordaunt," (see *supra*, p. 367, *note* *,) a zealous plotter for Charles Stuart, who had narrowly escaped, in 1658, on a trial for treason against the Protector. In July, 1659, he had a royal patent to be a Viscount, and died in 1675, aged 48. His son was the celebrated Earl of Peterborough, (see vol. iii. p. 412, *ad fin.*) Mr. Granger, says, Lord Viscount Mordaunt "was numbered with the neglected royalists." *Biog. Hist.* (1775,) iii. 24.

"I do hope you have, before this time, found a way to confer with Massey and Titus, and you will find by Massey, how the business stands of Bristol and Gloucester, and so by communication of counsels you will know best what reasonably to resolve, and you may safely undertake to Mr. Howe, that you may entirely trust to Massey, who may, by your and his direction, give those who manage that business such advice as is necessary." See "Clarendon State Papers," (1786), iii. 448.

Mr. Godfrey. In your vote, express the cause of the protection.

Mr. Baldwin. A protection, without a pass, will do nothing. The protection is only while he is here.

Sir Anthony Morgan. I know not what that word "protection" means. If he has done any thing that deserves your justice, let him be questioned for it, notwithstanding.

Mr. Bethel. I move that security be given for his fellows.

Sir Thomas Beaumont. His petition only desires leave to come. Why then should you give him more than he asks?

Resolved, that leave be given to William Lord Craven to come into England for six months from this day, for the prosecution of his Petition concerning his estate; and that Mr. Speaker do sign a protection for his coming over accordingly: provided that he do, within six days after his landing in England, attend this House; and give such security as this House shall think fit, to act nothing prejudicial to the Commonwealth during his abode there.

John Grubham Howe, for Gloucestershire, and Richard Grubham Howe, for the borough of Wilton, were members of this Parliament. The "Mr. Howe," whom Lord Chancellor Hyde appears to recognize among the plotters for Charles Stuart, was probably the former.

"Hyde" writes "to Mordaunt, April 11, 1659. As to Massey, if my last be come to you, you have long before this spoken to him.

"I do the more long to hear that Massey hath been with you, because I have this very minute received a letter from him by this last post, by which I find he is melancholy enough, and unsatisfied with the coldness of many of his old friends, [probably the Presbyterian Royalists,] and even of some of those whom you think to be very well disposed. I hope it is purely out of wariness, and that it will be quickly removed." *Ibid.* pp. 454, 455.

Mr. Baron, a spy, or "Intelligencer" for Charles Stuart, the "honest Baron" of "Lord Chancellor Hyde," thus writes to his Lordship from London, April 13, 1659.

"I have, my lord, employed some friends of mine to look into the bottom of the business of Wildman, [see *supra*, p. 155, *note* ‡,] who have promised to use all art possible to make discoveries of it. I find by Massey, that Titus is well satisfied of him, but by his conversation with him, I find the Presbyterians, or, at least some, decline him." *Ibid.* p. 457.

Resolved, that Colonel Terrill do make the reports in his hands from the Committee of Grievances, to-morrow morning.

The order of the day was read touching the farmers of the excise attending the House this day.*

Captain Stone presented a paper of the persons that are in arrear; and to whom notice of their attendance here this day was given according to that order.†

Martin Noell is above 25,000*l.* in arrear. He had notice, but was not in the House.

Mr. Godfrey. I move that they be called, in sets.

First, the farmers of the excise of London and Middlesex were called, but they answered severally. The counties were not thus favoured.

They were fifty‡ in number; but these were kept to it to answer only to London and Middlesex, as follow:—

Mr. Baker.§ The amount was 128,400*l.* *per annum*, by the original contract; but, upon addresses to his Highness and the Council, they brought it down to 120,000*l.* *per annum*.

We confess we owe, at this time, 15,000*l*; but, in truth, 25,000*l.* whereof 10,000*l.* is already advanced in his Highness's hands. The reason why the arrears are not paid, is

* See *supra*, p. 388.

† "Captain Stone gave the House an account concerning the notice given to the Farmers of the excise of beer and ale, and other inland commodities, that live in London, and were in London, or within five miles thereof, of the order of this House, made on Saturday last, concerning the said farmers: and also presented to the House, a paper, concerning the manner of the serving of the said order, the counties in farm to them, the names of the farmers, and the several sums of money due and owing by them, upon their respective farms, over and above all sums paid in by them since March 25 last." *Journals.*

See "An Account of serving the Order of the House of Commons of the 9th of April last, upon the several Farmers of the Excise of beer, and ale, &c." *Ibid.*

‡ Only twenty-eight are named in the "Account of serving the Order." *Journals.*

§ The third of the five farmers for London, Middlesex, and Surrey. *Journals.*

the perpetual disturbances in levying the duty. All possible means are used to dispute the laws. We have advanced it to 30,000*l.* more than ever was made. Many have never entered, according to the law. Others, if entered, never paid, who were to pay weekly or monthly. They disputed every part of the law, from point to point. The Brewers called a Common-hall, and resolved not to brew for some time, and so to break us. The necessity of the nation could not forbear, though many of them put this in execution.

They preferred a petition of grievance to his Highness. This was referred to the Commissioners of Appeals. They can testify it was but scandal, in most part of it. They can justify us, how well we acquitted ourselves.

They brought actions at law. Our officers were under perpetual arrest. Now they have found another way, to acquaint your honours with it. Then they endeavoured to farm. That they could not do.

The state sent for us to know the reasons why it was not paid. Our credits being somewhat, we advanced money in October to pay all that was due in September. We used all acts of indulgency to them. We admitted them to compound with us. Some of them did, and this had like to have broken us. Now, they have put in a petition of grievances, which we doubt not but to make it appear, is full stuffed with scandal.

There is due to us from the city, 20,000*l.* We cannot get it in, for attending this Committee. They give us dilatory answers. If we can have but some encouragement from this honourable assembly, we do doubt not, but in a very short time to pay all.

One Horne, a brewer, has made a complaint against us. He made no entry for thirty-two weeks together. If all had done so, it would have ruined us, indeed. We were surprised in a trial. There was a verdict at law against us, for 800*l.* which we have paid. Horne was never worth 100*l.* He is now set up to arrest every man of us for 10,000*l.* which is hard to find bail for. Our credit being such to get bail for that, now they arrested Mr. Abbot for a greater sum. For

these reasons, we could not call in our money to make payment to your honours.

As we have been served in the city, so in the country. As in Surrey, no Justice of the Peace would sign any warrant but one warrant, that we have procured to be signed.

The weakness of the law is the cause why we have not paid. They will pay but what they please. One Captain Pride, of Kingston, we know not what title to give him, owes us 1000*l.* One Master Gates, his pretence is that he is willing to pay. To defeat us, he enters into a judgment of 4000*l.* to his maltster. All Master Gates' goods are seized for this judgment. We did any thing, for his father's sake, that he would have us do. His mother confesses that nothing is owing her, yet she keeps possession.

We entered. Mr. Gulston and Mr. Wilcocks, two justices, have restored her to possession, upon pretence of forcible entry. We pray your favour and assistance to help us to levy the arrears, and then we doubt not, in a short time to pay all.

Mr. Stephen Kirk.* I add further reasons why we cannot pay your demands. There are recognisances of 40,000*l.* upon our estates.

Again, your order for the sequestration of our estates, coming in that nick of time, dissolved our credits. We could have borrowed 10,000*l.*, where we cannot now borrow a penny. We cannot satisfy the deficiency of the one for the unhappiness of the other. The country and city, on Saturday last, were near 15,000*l.* in arrear, which is all we two owe, but 5000*l.* We have cleared all hitherto a month after the year.

It is their table discourse that we shall be ruined. It is well known, that some of us have been engaged, from the beginning, as the encouragers of an Act of the last Parliament. We pray, that the unhappiness that attends first

* The second of the five farmers for "London, Middlesex, and Surry." *Journals.*

undertakers may not fall upon us, by the favour of this House.

This is the first time that ever London was on farm. We have persons of estates and parts to deal with. Our undertakings are attended with a reproach. We can make it out we shall be losers by the contract; yet we intend to make it good, and our estates must answer it: so that our reputation and our estates being gone, we have nothing else left but our lives, and those are threatened daily. We pray indemnity.

There is no sufficient law to levy the duty in London, and no punishment for the frauds. We can only punish them for a short entry, but for no frauds. We never levied 300*l.* of all the fines. The highest was but 15*l.*, upon one brewer, who had defrauded us for many weeks. Some fines are but five or ten shillings.

Mr. Speaker. You confess you are ten weeks in arrear, whereas, you say that the brewers owe you but for five weeks.

Answer. There are other charges upon us in bringing it in, and 10,000*l.* already advanced upon it.

The Committee intimated to us not to be so active in levying it, till we had cleared ourselves of the reproach that lies upon us. They only gave general answers to pay it when they could.

They confessed they had notice of the order of March 12, but only saw it in a Diurnal.

Mr. Kirk said: we had notice and that spoiled our credits, and our security came upon us to be indemnified. We are glad of a Parliament. Our bowels rejoice at it. I hope we shall have relief.

We have lately paid 5000*l.*, as soon as ever we received your order. We borrowed 2000*l.* of it; but that was no part of what is now demanded. As soon as ever we are in a condition of quiet, we shall apply ourselves to pay it.

We paid last year 30,000*l.* in thirty days. Then we had credit to borrow 10,000*l.* Now we have not.

The parties being withdrawn,

Mr. Speaker acquainted the House with the noise and disorder that the House was in.

When strangers are here, no member ought to speak, either as to withdrawing or speaking out. Your chair only ought to declare your sense.

Sir Walter Earle. It is evident they take your money and pay their own debts with it. The brewers are at the doors to make their defence.

Mr. Reynolds. It appears by their own showing, that they are in arrears by their own fault. They are persons of no such great quality as to be farmers. This Kirk was the other day but a clerk in the navy, &c.

Colonel Grosvenor. I move to call in the brewers. They told me at the doors that they expected a charge; but are not so much in arrear as they speak of.

Mr. Annesley. Be tender, lest you ruin them in their credit; as you see what effect your last orders produced.

Mr. Lloyd. I was one of the Committee appointed to contract. We did not depend so much upon these persons as upon the security of one Holt, a goldsmith,* in Lombard-street,† worth 2000.‡ We clothed them with all the powers that possibly could be. Your money should not be paid by complaints. I would not have the brewers called in; but keep them§ to their contracts. They tell you they have got abatement from his Highness and the Council, when they had contracted. It was said that some of them were so strict that they would flea a flint.

* It is well known that Goldsmiths were the first bankers.

† Mr. Stow says, "it was so called before Edward II.'s time, from Florence and other foreign merchants meeting there, before the Exchange was built. Others think it was called so from the bankers that lived there." See "New View of London, (1708,) i. 48.

"As the Lombards," says Dr. Robertson, "engrossed the trade of every kingdom in which they settled, they became masters of its cash. Money of course was in their hands, not only as a sign of the value of commodities, but became an object of commerce itself. They dealt largely as bankers." *Charles* V. (1777,) i. 401.

‡ Thus in the MS. It was, probably, 20,000*l.* if not a larger sum.

§ The farmers.

Mr. Raleigh. I would have the brewers called in; but not so as to take satisfaction by their complaints; but cause them to make good their contracts. The best of the contractors is this clerk.* One is a broken bookbinder, another a broken hatter, &c. &c. One of them has built houses and bought lands to 2000*l.*

Captain Baynes. They knew the defects of the law, before they contracted. It will be made appear that these men pay their debts by your money.

Mr. Scot. I can add nothing to what is said. They are not wanting to themselves in levying it in London. You are wanting to yourselves in not calling on them. They take it for granted that they have 8000*l.* abated. Nothing appears to the Committee of it, but a marginal note. They levy it with all severity. The officers swear the brewers into a debt, and let them swear it off as they can. I would have the brewers called in.

Serjeant Maynard was against calling in the brewers.

Colonel Birch was *contra*.

Colonel Thompson. I move that the brewers be heard, and that the farmers be speedily called on. They intend to pay none; and they will get more money into their hands.

Resolved, that the brewers of London be now called in.

The brewers being called in,

Mr. Speaker, by the command of the House, asked of them, if they did desire to be heard by any direction from the company.

Colonel Banier (in the head of them.) I am glad we have the opportunity to speak in this presence. We are a Committee appointed by the company of the brewers to attend the business concerning the Farmers of the Excise.

Mr. Speaker acquainted them, that the Farmers of the Excise had offered it to this House, this day, as one reason why they had not paid their rent, due for the excise of beer and ale, according to their contract, that the brewers are in arrears to them; and that the monies remain unpaid to them, in the brewers' hands.

Colonel Banier. We are not a week behind, till to-morrow. We used to be troubled with their spirits every week. We have a note under a person's hand, one of them, who said they would not call for any of this duty till they have a better power to levy this, which we hope you will never grant.

Hill and Dashwood, their treasurers, to whom they owed 10,000*l.* a-piece, have withdrawn their money. We hear they have a full treasury, but intend to pay none till they have better strength to levy.

Henry Bradbury heard one of them say they will levy none till they have a better authority.

There may be an arrear of 60,000*l.* or thereabouts, in the hands of the brewers; but it is through their remissness not to demand it. They may have it when they will, this afternoon; being the day it is due. Some of us they have made poor, and they complain now that they are poor. We cannot answer for all of a hundred men; but the brewers are generally ready to pay their arrears.

Thereupon they withdrew.

Captain Baynes. It is no argument to excuse them, if the brewers were 15,000*l.* behind with them.

Lord Falkland. I move that the Farmers be in safe custody till they pay.

Captain Hatsell. That is not for your service, to lay them fast. Rather give them liberty, and encourage them to perform your order, by giving them eight or ten days time.

Sir William D'Oyley. It appears not that those post entries are due from the brewers, till you have a report from your Committee.

Resolved, that the farmers of the Excise of Beer and Ale, within London, Middlesex, and Surrey, be required to pay into the receipt of the Exchequer the sum of 15,700*l.* on Saturday next; and the further sum of 20,000*l.*, on or before the first day of next term.

The Farmers were again called.

Mr. Speaker informed them of the aforesaid resolution. He farther minded them of their contempt and neglect; that having had notice, as they themselves had acknowledged, of

order of this House, of March 12, last, they had not hitherto paid in the monies due and owing by them, according to the directions of that order; that they well knew, before they took the farm, what powers they had; and they had acknowledged they had sufficient powers for London; and that they knew, that if they did transgress the law, they would be liable to actions; and that there is much more due from themselves, than is pretended by them to be owing by the brewers; which they might forthwith call for; and that, therefore, the House did expect that they should pay in their rent according to the contract.

Thereupon, by the command of the House, those Farmers of the Excise withdrew.

The Committee of the Company of the Brewers of London, were again called in.

Mr. Speaker. The House have given order to the Farmers, to pay in their rent in arrear, within a very short time; and what shall afterwards grow due from them, according to their contract. The House expect that yourselves, and the rest of your company, that owe any monies to the Farmers, should pay the same to them upon demand, that it be not an excuse to the Farmers, for not paying their rent, to allege that the money was owing them by the brewers.

Thereupon, by the command of the House, they withdrew.

Colonel Mackworth, Farmer of the Excise of beer and ale in the County of Lancaster, taking notice, upon reading the account of the monies in arrear, and unpaid, by the Farmers of the Excise, a debt of 822*l.* 10*s.*, was stated upon himself, did stand up in his place, and informed the House, that above 200*l.* of the said arrear was paid into the receipt this day, and that the rest should all be paid in within one fortnight.

Resolved, that the rest of the Farmers of the Excise of ale and beer, and other inland commodities, who attended the House this day to have been heard concerning the monies due and owing by any of them, do attend again to-morrow morning, to give the House an account why they have not, according to their several contracts, paid in the said monies.

Resolved, that a new writ be issued for the election of a

burgess to serve in this present Parliament, for the borough of Malmsbury, in the county of Wilts, in the place of Sir Henry Lee, Baronet, deceased.

The House rose at one o'clock.*

The Committee of Religion† sat in the afternoon.

Mr. Bacon was in the chair.

They finished the Assembly's Creed,‡ and ordered it to be ingrossed, and held forth as the public profession of the nation.

The Committee for lame soldiers, &c.§ sat in the Star Chamber.

Mr. Hewley was in the chair.

* "Lord Chancellor Hyde to Mr. Mordaunt, April 11, 1659.

"It is no wonder that our friends in the House, [see vol. iii. p. 550, *note*,] do not make a clear judgment of the parties, and so oft mistake their votes; and it is very natural for those who look upon the Republican party as the only irreconcilable people, as no doubt many of them are, do assist Cromwell to that degree as may make him too much master; yet the advantages they give him, are so easily discernable, that they may easily humble him to-morrow, if they exalted him too much yesterday.

"I believe he hath no small advantage with many considerable men, by their believing that he intends wholly for the King; but I hope that the papers Mr. Baron [see *supra*, p. 393, *note*,] brought you, hath produced such a mutual trust and confidence amongst you, that you will quickly see the bottom of that intrigue, and then you will be able, by several hands, so to instruct our friends in the House, that we may lose by no vote.

"It would not be amiss, if you could get some sharp vote to pass in the House against the Catholics, which, possibly, would make them a little more concerned for us than they seem to be.

"If the difference honest Baron mentions, between Cromwell and Desborough, be real, I cannot imagine but it must rather prove to our advantage than disadvantage, and may be the best motive to Cromwell, who cannot but have some part of the army, to join with you; and then, indeed, a sudden conjunction with your friends in the City, and the assistance you could bring in from the neighbouring counties, would make the work sure, especially if half a dozen persons were first secured, which would be no hard matter." See "Clarendon State Papers," (1786,) iii. 454, 455.

† See vol. iii. pp. 403, *note* †, 548. ‡ See *supra*, p. 343, *note* †.

§ *Ibid.* pp. 361, 362.

Wanting powers to send for persons, &c. they adjourned till Wednesday, and ordered, that the chair do move to supply the Committee with further powers.

The Committee for Mariners* sat in the Treasury Chamber. *Captain Hatsell* was in the chair.

The Committee for Excisemen † sat in the Queen's Court. *Mr. Scot* was in the chair.

Tuesday, April 12, 1659.

Prayers.

Resolved, that Mr. Leigh, one of the members of this House, have leave to go into the country for ten days, notwithstanding the order for the call of the House.

Resolved, that Mr. Margetts, and every of the members of this House that serve for Scotland, or any of the counties or boroughs in Scotland, be added to the Committee for the affairs of Scotland.

I found them in a debate upon a report from the Committee of Grievances, touching Major-general Boteler.‡

* See *supra*, p. 378. † *Ibid.* p. 273, *adfin.*

‡ "Colonel Terrill reported the state of the case of Dame Mary Hatton, and others, executors of Sir Thomas Hatton, Knight and Baronet, deceased; of Samuel Dorman, Citizen and Merchant Taylor, of London; and of John Tarry, servant to Lawrence Manley, late of Holdenby, in the county of Northampton, deceased; upon their several petitions exhibited unto the said Committee, and examined by them; together with their opinion upon the same.

"The Report brought in from the Committee was read; and was as followeth, viz.

"Sir Thomas Hatton, being possessor of a lease for years yet enduring, of the demesnes of the manor of Holdenby in the county of Northampton, at the rent of 180*l.* 15*s.* 10*d. per annum*, by demise of the late Queen, did let part thereof to Lawrence Manley, for years not yet expired, for the rent of 264*l. per annum*; whereof 201*l.* being in arrears, *Anno* 1657, Sir Thomas obtained a judgment against Robert Manley, executor of Lawrence; whose sheep were taken in execution by the Sheriff.

"At the same time of that execution, there was a year's rent more due, by Robert Manley, for non-payment whereof a re-entry was made

Captain Baynes, *Mr. Hobart*, *Mr. Charlton*, and others, moved that he be disabled both from civil and military offices.

Sir George Booth. I move that he be put out of the commission of the peace, and would refer it to his Highness, to put him out of the military list.

Colonel White. I move that he not only be put out of civil and military offices, but also that a charge be drawn up against him as far as the nature of his offence will bear.

The offence of Lord Strafford was not so high. For him in that insolent manner to tell you, in this House, that he would not dispute whatever the Chief Magistrate ordered him to do. He had acted highly in the point of decimation,*

by the lady, and others, executors in trust to Sir Thomas Hatton, for the benefit of his children. And the cattle that were upon the land were distrained, *Dommage-faisant.**

"John Tarry, shepherd to Lawrence Manley, who having three sons, viz. Lawrence, John, and the said Robert: which Robert, as was alleged, was executor in trust for John, the son, and others, legatees and creditors. This shepherd was sent by Lawrence and John, the sons, to the market, to sell 150 of the stock; which he sold for 137*l.*

"Samuel Dorman being bound as surety for Robert Manley, in 1,100*l.*, this Robert Manley assigns the said lease to Dorman; and makes him a bill of sale of the goods and stock upon the ground; and Dorman was in possession.

"Robert Manley, about April last, becomes a delinquent and flies. Major-general Boteler, within two days after that Robert Manley was fled, causeth divers soldiers under his command, to enter upon the land and all the cattle upon the ground; resists the Sheriff from doing execution; turns Sir Thomas Hatton out of possession, and seizes the cattle which they had distrained, and were in the custody of the laws; imprisons Tarry, and detains him four days in custody, till he confesses where the money was he sold the sheep for; and Cornet Tibbutt, agreed with the said Tarry, that it should be brought and left with Captain Baynes; which when he had brought 126*l.* thereof, accordingly, the said Cornet Tibbutt, and others of his soldiers, took it away by force out of the said Captain Baynes's house. All which proceedings the said Major-general Boteler justified before the Committee, by colour of his late Highness's letter commanding him so to do." MS. and *Journals*.

* See vol. i. p. 235, *note*.

* "A term used, when a stranger's beasts are in another man's ground, and feed there, without a license." *Dict. Anglo-Brit.*

and had indemnity for it through great mercy. To offend again is an abuse of your tenderness to him.

Major-general Kelsey laboured to wash him; and said it was a reflection upon his Highness that is gone, who had a great influence upon this gentleman.

Mr. Hewley, Colonel Bennet, and others, moved that he be only put out of the commission of the peace.

Mr. Annesley. Sentences in former times, against offences of this nature have been much higher. He that has denied to be bounded, is not fit to be trusted with the execution of any law. The least you can do is to put a mark upon him, to deter others. Make this person incapable of doing any more mischief. Put him out of the commission of the peace, and desire his Highness to put him out of military power.

Mr. Stephens. These men bring a scandal upon your army. They are, generally, no such men. Examples confirm laws, *pœna ad paucos, ut metus ad omnia.*

Mr. Scot. I find by what I have heard upon this debate, and what will come in against him as high a charge preferred, and punishment proposed, as that of Lord Strafford. I am not for so high a punishment. I shall say nothing of the Act of Indemnity, but only this. They that would not observe an Act of Oblivion, deserve not an Act of Indemnity.

I would have him brought to the bar as a delinquent. See, if he will own your authority, and what he will say for himself. It may be, you will proceed to fine or imprisonment; and, in the meantime, make him incapable of bearing either civil or military office.

This was not done, *flagrante bello.* The arguments for him are as much as to say, "We must be ruled by the army;" and I am against that.

Sir Anthony Morgan laboured to wash him.

A soldier, by the martial law, is not to dispute the orders of his superior officers. I declare myself against the Major-generals, and arbitrary power. I hope never to see such things done again. We must distinguish of times. Nothing done since 42 is questioned. I would have no retrospect, but look forward.

Mr. Bodurda. Those that heard me last Parliament,* will say I am no friend to arbitrary government. But, if you admit this for a doctrine, that you will not distinguish of times, I know not where it will end. I would have this laid aside.

Mr. Thomas. Bear your highest testimony that may be, against this person.

Mr. Gewen. There is *miserecordia puniens.* I would have you, at this time, assert your liberties, by bearing testimony against this invasion.

Mr. Godfrey. I move that he be disabled both from civil and military power.

Colonel Fothergill. Hear him, before you censure him.

Lord Falkland. I hear much that Cavaliers are in town, I wish there be not Cavaliers amongst us,† that strive to make our friends Cavaliers. This gentleman robbed me, and keeps my goods to this day. His actions are generally, all over Northamptonshire, cried out against. I desire you would put the question.

Resolved, that this House doth agree with the Committee, that the entry and detainer of the lands and goods, by force, and rescuing the goods from the sheriff, and hindering execution, and taking the goods which were distrained, and seizing the money from Tarry, and imprisonment of his person, were unjust and illegal: and that the said force still continued by Major-general Boteler, upon the possession of the said lands and stock be removed; and the money and stock, with the increase and proceeds thereof, restored and delivered to the persons from whom they were taken.

The question being propounded, that the Lords Keepers of the great seal do put Major-general Boteler out of the commission of the peace.

The question was put, that this question be now put, and it passed with the affirmative.

And the main question being put, it was

Resolved, accordingly, with a few negatives.

* See vol. iii. p. 136, *note**. † See *infra*, and vol. iii. p. 25, *note.*

The question to disable him from military power was going to be put.

Colonel Whetham and *Mr. Steward.* It is his livelihood. Therefore hear him before you pass this sentence upon him.

Colonel West. I move that the command of the County troop be taken from him.

Dr. Clarges, Colonel Fothergill, and *Mr. Ditton,* moved that he be heard before proceeding to sentence him.

The question was propounded, that Major-general Boteler be declared incapable of employment in any office, either civil or military, in this Commonwealth.

Colonel White. He is now said to have offended in a military capacity, but the military capacity has committed a rape upon the civil.

Mr. Secretary. I think the gentleman to be a man of worth, and having this severe sentence to be put upon him, I could not but speak my thoughts. To disable him from all employment is the highest, next to life, and you do this unheard.

I understand it is for executing his Highness's commands; through zeal for your safety. What he did was upon occasion of an insurrection, to be in this town and several parts of the nation. There was one Manley, a person greatly engaged in it. He fled, and is now in Charles Stuart's court. He is either actually outlawed, or will be, this term, for treason. His estate was secured, that he being run away, his estate might not run after him. Major-general Boteler got no profit by it. He has served you faithfully and honestly and valiantly. I desire that he may be heard before you pass this severe sentence upon him.

Sir George Booth. He has been heard at your Grand Committee, and did justify himself,* and said, "he had done short of his duty, and should do it, if it were to do, again."

Mr. Drake. His great fault is going against the law. It is a great fault: but you must prosecute him according to law. Never was any sentenced without hearing.

Mr. Stephens. I am not against hearing him; but would

* See *supra*, p. 404, *ad fin.*

have him come here as a delinquent. Consider what is before you.

Sir William Wheeler. You have executed part of the punishment, in putting him out of the Commission of the Peace, and now you will go and hear him. If you will hear him, hear him upon the whole, and revoke that part of your sentence which is disgrace.

Sir Henry Vane. I understand you have declared the act illegal and unjust. Before the Committee he justified himself in it, and said, "he was ready to do it, if it were to do again."

This vote of yours must be carried to the other House before it can take effect. There he must be heard. Your judgment is not conclusive: so that you may proceed to your other question.

Mr. Attorney General. You have carried up an impeachment to the other House; but never a judgment. This is a judgment. If they differ in the judgment, the man escapes.

As to putting him out of the commission of the peace, the Commissioners of the Seal may do it of themselves; but to go and bury him alive, by passing this severe sentence upon him, is strange. Send his charge up to the other House in a formal way, and let him there have his trial, and then it is ripe for your judgment, as high a punishment as any, save death.

Mr. Charlton. The evidence is plain. His offence was committed in his military power, he asserted this he would do, and never dispute it. If this be not the highest offence that can be, I know not what is. He said, "he would never dispute the single person's authority."

Nor is this the highest punishment on this side death. Sending one to Jamaica or Barbadoes,* is much more. You

* See *supra*, p. 255. The following account is from one of the *residents* for Charles Stuart, at London, though not, apparently, in the Court of the Protector:—

"Mr. Bever to the Lord Chancellor Hyde. April 1, 1659.

"The House is now upon a petition delivered to them from 50 gen-

are ripe for the other part of your judgment, and you cannot avoid it, unless you deny your own liberties.

Mr. Jenkinson. I move that the first question be put, to send a Committee to his Highness, to acquaint him with your vote, and desire that he be put out of the Army.

Mr. Annesley (wheeling about* again). I move that his Highness be sent to, by a Committee, to acquaint him with your vote, and refer the military part to him, and, if you please, before further sentence, to hear Major-general Boteler at the bar.

Mr. Attorney-general. This is the first precedent. Let him be heard at your bar, and call witnesses upon oath against him, and then it is ripe for your judgment.

Colonel Birch. I move that he be heard before judgment.

Colonel Terrill. He confessed and justified his offence. What need of proof upon oath.

Mr. Goodrick. His confession is no more than if he had confessed it before a justice of peace. The other House will

tlemen that were sold for slaves, to the Barbadoes, by one North, that belonged to his late Highness, and the Secretary Thurloe is accused for having a hand in it; whereupon, Mr. Secretary said, [*supra*, p. 260, 261,] he had not thought to have lived to this day, to see such a thing as this, brought before a Parliament, that was so justly and legally done by lawful authority; and that, for reasons of state, they must find 200 men who, they had notice, were come over.

"Sir Henry Vane made reply, [See *supra*, p. 262,] that he must use his own words, that he did not think to have lived to have seen the day that free-born Englishmen, by their own countrymen should be sold for slaves, by such an arbitrary government.

"Mr. Secretary presses what he can, to possess the House that there is a plot in hand; and therefore, he would have the Parliament set out an act of banishment, but as yet it is refused; and further, he relates, that whilst the Cavaliers are petitioning for redress to the House, they are plotting to destroy both his Highness and them." See "Clarendon State Papers," (1786,) iii. 447, 448.

* Annesley, Booth, Ashley Cooper, Maynard, and the other waiting-servants of Charles Stuart, concealing their worthy master's livery under the specious garb of anti-royalists; while they were now earning their posts and peerages, must have been often "wheeling about," as "existing circumstances" would direct their policy.

claim a share in this with you. Let Mr. Attorney-general draw up an impeachment against him, and try him legally here.

Mr. Scot. Though I love my life so well, yet I had rather be hanged by the other House, than impeached by you. You have voted his proceeding unjust and illegal. Will you not make your judgment adequate to his crime? You have not yet declared where the militia shall be; so I would have you only declare him incapable of civil and military power.

Sir Henry Vane. You must do this in a judicial way. It is not out of your power yet, how far you will have an oath; or what part of the judicial power you will have. You may declare that he shall not continue. That is your judgment, and there let it lie, till you can put it in effect.

Mr. Secretary. I wish we were upon a foundation of law. This arbitrary act is not the first that has been done; nor the first that you have passed by. The gentleman, Mr. Scot, told you, some days since, he was arrested for 30,000*l.* for imprisoning of a person. I would hear how he was brought off that action.*

It is without precedent, that, upon a report from a Committee, such judgment should be given in this House, without hearing the parties, or witnesses, in the House. Formerly, when a charge came here against any man, an impeachment was drawn up, and sent to the other House, and was there proceeded upon, as formally as if at the Upper Bench, or other Court.

Lieutenant-general Ludlow. That honourable person said much of this before.† It is every man's duty to attend the Grand Committee. There needs no proof. It is justified; and that he did not so much as he might have done. If not fit for civil, he is not fit for military employment. It is in your power yet, to put him out of your list. I would have you proceed to the other part of your sentence. He seemed to show no reluctancy.

Colonel Allured seconded it.

* "The Council fetched him off." MS. † See *supra*, p. 407.

Mr. Hewley. He did carry himself insolently enough at the bar. He said, indeed, he would never dispute the command of his general, be it legal or not.

Insurrections are the arrows that fly by night; and if things be not done to prevent them,———*. We must consider of times and seasons for safety.

It is aggravated,† that he sinned against mercy or pardon. He converted none of it to his own use. He said, if he had refused, he might have been hanged.

Omnes fuimus peccatores. I will never justify any such act. We have punished him in what he offended, in the civil power, but to disable him from all employment, I had rather be out of my life.

My motion is, that it be left to his Highness, to do what he pleases in it.

Mr. Speaker. It has not been usual to sentence any person, till you have heard him at your bar. In a case of a Sheriff, upon an undue return, you call him to your bar, and there hear him, and sentence him.

Sir Walter Earle. I would rather have him proceeded against, by way of impeachment. Keep yourselves in a Parliamentary order as much as you can. You ought, by course of Parliament, first to hear him at the bar.

Mr. Boscawen. I am for respiting it, till your list be brought in. I am informed of higher matters against him. Take all together.

Mr. Lechmere. I would not have a day's debate lost; but, now you are upon it, declare in what way you will certainly proceed against delinquents.

The constitution of both Houses is wholly new; therefore, refer it to a Committee, to consider of some way how to proceed against delinquents, that you may have some fruits of your debate.

Mr. Goodrick. I second it, and that this Committee consider of some way how to proceed against this person.

Colonel White. I move, that a general motion thrust not

* Blank in MS.

† Alleged in aggravation.

out this particular. I would therefore, have a Committee to inquire after all this gentleman's crimes, and to draw up an impeachment against him. All these things are but discourses.

Sir Henry Vane seconded it.

Sir Walter Earle. This is no formal charge, but a narrative of a crime.

(He was called to look to the Chair, and held it an ancient order, that they set their foot upon the boards, and look with their faces towards the bar, that all might hear.)

I would have the charge brought in formally, according to the rules of Parliament.

Mr. Baldwin. I would not have this debate lose its fruits. I would therefore have a Committee appointed to draw up an impeachment, and to consider of a way, how to transfer it to the other House, and how to proceed further in it.

Resolved, that a Committee be appointed to draw up an impeachment against Major-general Boteler; and to consider of a course how to proceed, judicially, against him, and against other delinquents, and to report their opinion thereupon to the House.*

The Committee was appointed to meet in the Exchequer Chamber, to-morrow afternoon, at two of the clock; and have power to send for parties, witnesses, papers, and records.

Some of the Farmers of the Excise, attending without, were, in pursuance of the order made yesterday, called in.

After they had been heard, severally, at the bar, and their reasons and excuses offered by them respectively, to the House, for their non-paying of the several debts charged upon them; by the command of the House they withdrew.

Resolved, that the farmers of the excise and inland commodities, who attended the House this day, do attend the House again to-morrow morning, and that the debate upon this business be adjourned till to-morrow morning, and then resumed, and that nothing else do then intervene.

* "Mordaunt to Hyde, April 14, 1659. Butler [Boteler] the Mayor-general, is in great danger, for all Thurloe's power to defend him." See "Clarendon State Papers," iii. 453, 454.

Wednesday, April 13, 1659.

Prayers.

The sad and lamentable Petition of the sole son and surety alive, general assignee and executor of the deceased Sir William Dick in Scotland, and of his numerous distressed and dispersed poor families, for the public, was this day read, and was to have satisfaction of several sums of money claimed to be owing by the nations of England and Scotland to Sir William Dick, his late father, deceased, and to have a protection to prosecute the said Petition in the Parliament.

A Committee was appointed to examine the matter-of-fact, in the aforesaid Petition of Sir Andrew Dick, and to report the same to the House.

Resolved, that Sir Andrew Dick shall have a protection for two months, to follow his Petition in Parliament; and that Mr. Speaker do sign a protection for him, accordingly.*

Sir George Booth presented a petition touching the arrears of the supernumerary forces disbanded in the county of Lancaster, Chester, and Westmorland,† which was referred to a Committee.

A petition was also offered from other counties of the same nature.‡

Colonel Gorges. I move not to call up persons to attend at charge, unless you were in a condition to pay them. The public faith creditors were, last Parliament, like to tear a noble person out of his coach. Those arrears are so great, as it was made out at Worcester House, that nine millions will not pay them.§

* *Journals.* See vol. ii. p. 253, *note* ‡. † Only Lancaster. *Journals.*

‡ Probably referring to "the petition of Adam Eyre, on behalf of divers reduced officers, late under command of Ferdinando Lord Fairfax, deceased, to have a debt of 23,566*l.* 1*s.* 1½*d.* owing to them, for their pay and service, put into bills or bonds, and allowed on any part of the four forests or chases, as other bills and debts are. *Journals.* See vol. ii. p. 78, *notes* † ‡.

§ "Query, I suppose he meant public faith, and all debts and arrears." MS. See vol. ii. pp. 238 and 244, *notes.*

Mr. Gewen. The Portreve of Tavistock, Devon, has returned by one indenture, and the burgesses by another, and the Sheriff returned that by the burgesses.

Mr. Bodurda. I heard that the Sheriff made an election at one end of the town, and the Portreve at another; whereby, it is in the power of the Under-Sheriff to send whom he pleases.

Serjeant Maynard. I would have the Sheriff highly fined. This was never known, till of late, to return two indentures. He ought to receive the indenture from the office, and return that. The Clerk of the Commonwealth cannot return the other.

It was moved, to refer it to the Committee of Privileges and Elections.

Mr. Lechmere. This is a Portreve; neither Mayor, Bailiff, nor Corporation.

Mr. Fowell. The Portreve is the proper officer.

Serjeant Maynard. If the Sheriff return an Indenture otherwise than from the proper officer, he must not be sent for as a delinquent, but must be heard first.

Resolved, that the Clerk of the Commonwealth in Chancery, be, and is hereby required, to receive the indenture signed by the Portreve of Tavistock, in the county of Devon, upon the last election of a burgess for the said borough, in the place of Captain Hatsell, elected for the borough of Plympton, as well as for the said borough of Tavistock.

Resolved, that it be referred to the Committee of Privileges and Elections, to examine the matter concerning the last election for the borough of Tavistock; and why the indenture signed by the Portreve of the said borough was not returned and filed, to the writ delivered in to the office of the clerk of the Commonwealth, in Chancery, by the Sheriff, and to report the same to the House.

Lord Lambert and *Mr. Attorney-general* moved, that Colonel Terrill do make the report from the Grand Committee for Grievances, now offered by him, concerning the Countess of Worcester, to-morrow morning.

Resolved, accordingly.

Lord Fairfax and *Mr. Hewley* moved, that the Committee appointed to consider of the petition of the sick and maimed soldiers, belonging to Ely House and the Savoy Hospital,* shall have power to send for parties, witnesses, papers, and records. Resolved, accordingly.

Mr. Annesley moved, that no votes or resolutions of this House, be printed without leave.†

Mr. Attorney-general moved, that "debates," be added.

Mr. Speaker. The votes, besides, are misprinted.‡ It was offered, that that might be inserted in your vote, as a reason of prohibiting the press. It is not for your honour to suffer it. It makes your votes and proceedings too cheap, and tends to lay you low.§

Mr. Raleigh. I move that an admonition be given to the worthy members, not to publish your debates. I speak it of my own knowledge, of the speeches, and persons' names that were sent into Holland in letters, and in letters sent back again, touching the debate of the business of the sound.‖

Mr. Lechmere. It was expulsion, *ipso facto*, formerly.

The order was read touching the business of money.¶

Sir Henry Vane. I move to go speedily about it, to prevent inconveniences which will come upon us, unawares. Difficulties will grow. It will concern you to look through your business.

Captain Baynes. The duty is so oppressive, from the manner of levying it, that in Yorkshire one may travel sixty miles, and neither have ale nor beer for money.

* See *supra*, p. 361, *note* †. † See vol. i. p. 341, *note*.

‡ The Diurnals in the British Museum, to which I have been much indebted, sufficiently justify Mr. Speaker's complaint.

§ "Resolved, that the Orders and Resolutions of this House shall not be printed by any person or persons whatsoever, without the special leave of this House." *Journals*. On "the evils occasioned by the multiplicity of printing-houses;—who may be a printer of books," and how "the Council of State" should "regulate the mystery of printing" according to the *Act*, Jan. 7, 1652-3. See *Scobell*, part iii. pp. 230, 231.

‖ See vol. iii. pp. 376—403, 437—448, 450—493.

¶ The debate, adjourned yesterday, concerning the farmers of the excise of beer and ale, and other inland commodities." *Journals*.

Mr. Noell stood up and made his excuse.

1. My farm is not beer and ale. My design in taking it was to advance the revenue, for the public good; that all might go to market aright; that trade might be balanced. I paid 39,000*l.* odd money before, and 2000*l.* yesterday. I ought to have a defalcation of 10,816*l.* for the salt of Scotland. By my covenant, I ought to have the defalcation. Let me have that, and I shall not be long till the rest be paid.

I am much surprised in the bargain, but I plead not that now. I have not laid out any of that money for my own occasions. I have paid 7000*l.* more into the Exchequer than ever I received. It is dispersed in all parts of England, and justices are slow in assisting. I could plead all the pleas that others have done, and that more properly. I never purse one penny of it. Be it never so little, I pay it into the Exchequer. I was induced to take it, by one that pretended to know more of it than I did. When he came to estimate it he found his mistake. It broke his heart. I hope I shall never love the world so well.

I would fain have turned the farm into his Highness's hands. His Highness declared, in the mean time, that he and his present Highness, were sensible of the propriety of preserving me from the extremity of this contract.

I had the excise of Scotland at 12,000*l.* granted to me as a compensation; but could never have it in possession. I would have the whole matter considered as you shall think fit. I shall strip myself of all I have, rather than incur the displeasure of the Parliament. I am a merchant, and unfortunately fallen into this farm. I confess myself in a snare, by falling into this farm. I beg I may be out of it. I shall pay the money as fast as I can.

I humbly beg either to go on with cheerfulness, and to stand right in your eye, or that I may be quit. I have an estate in several parts of the world; and if I fall under your displeasure, the inconveniences may be greater than can be expressed.*

* "Mr. Martin Noell, one of the members of this House, who is Farmer of the Excise for certain inland commodities of England, and

Colonel Birch. This is only as to the 65,000*l.* *per annum* on inland commodities. There are other arrears due from him. I would have the whole matter before you.

Captain Stone. That is a mistake; for there is, indeed, 12,000*l.* more arrears due from him the 20th March past, but that is touching the customs of sea-coal,* which comes in upon another account.

Colonel Whetham and *Colonel Birch* opened the inconveniency of farming those commodities; and how the Farmers, being merchants, ingross the commodity.

Captain Stone. I verily believed he had a hard bargain. I believe so still; but, of the defect of the law, he knew it before his contract. He never applied to the Commissioners of Appeals, who are to give him the defalcation. It will be another kind of sum than what he reduces it to, of 10,800*l.* The abatement he claims is 10,390*l.*, for nine months' time, that it was kept from him. The other lease was not determined in August.

Colonel Birch. There is no reason of abatement. He knew it before his contract, that another person had a lease in being, and nine months to expire; and he might expect that the old Farmer would fill the country full of salt, as he had done before, when he had it in farm. And as Best † had done before him.

Those that farmed it with Mr. Noell, at that time of the salt duty, grew to great estates. An ill bargain, we hear of; it being a good one, never. No doubt but he will import a good deal, before his farm determine. It may be as much as seven years. To demand 1000*l.* for four months detaining it from him, and the whole year of the salt of Scotland is but 5000*l.*, I understand not. The country will be ruined if you go this way to work.

of the native and foreign salt of Scotland; and is charged with an arrear of 25,207*l.* 4*s.* 8*d.*, due and owing by him upon the said farm, gave the House an account why the said arrear is not paid." *Journals.*

* See vol. ii. pp. 272—274.

† One of the Farmers for London, Middlesex, and Surrey.

Captain Baynes. I never heard he was a loser by any farm. He may well afford to lose by one. He has many partners and good security. The substance of what he moves is, it broke his partner's heart. He may appeal to a power out of doors. Proceed upon this as you did in the case of the Farmers of London.

Mr. Lloyd. I have a great respect for that gentleman; but we must deal plainly here. Some years past, this gentleman, and others, had the farm of silks; by which, upon the defalcations of this kind, as the Commissioners told me, the state lost 12,000*l.*

The matter is before you. The contracts were made with no strangers. They knew, well enough, what every county would raise. They had them all in farm before, many months, for their consideration. Counsel were consulted with, and there was good security. You will find this will disjoint all your contracts. All England will expect an abatement.

If there be any thing of defalcation for the four months, let it be excused; but for other matters, I know nothing inducing you to make an abatement. If you please, let his lease commence as the 1st of August. That will save a defalcation.

I am against the farming the excise of salt, if it could be helped. That spoils the trade of the country in France.

Mr. Lechmere. You had delivered up the country too often, a prey to such persons; if justices of peace were not persons of discretion and conscience.

Such general tergiversation and denial, I doubt, presages something at the bottom, in this juncture of Parliament, to divide, and distract, and obstruct you. I hope such easy reasons will not prevail with you in this time of necessity.

I am glad to hear good security is taken. Let the recognizance be transmitted into the Exchequer. It must go that way. If you delay it, it must come to that at last. I know no reason why you should not require your money forthwith.

They never appealed to me as a Justice of the Peace, though I was within two miles of them.

Mr. Bayles. I move, that you use not cruelty to them, to disable them from paying you hereafter; but rather encourage them, by enjoining persons to pay their duty.

Resolved, that the respective Farmers of the Excise be required to pay in to the public Exchequer, on or before the first day of the next term, all the respective debts and sums of money due in arrear, and owing by them or any of them to the Commonwealth.

Colonel Birch. You used to receive 12,000*l.* *per* week; now, not a quarter part of it. So that, if you take not another course to enable them, you will lose your ends.

It is informed you, what two Justices* did order, to enable them. The two next Justices committed the parties that distrained. I would have those two Justices of the Peace sent for to your bar.

Mr. Onslow reported it.

Mr. Bayles moved it.

Mr. Annesley. These are only general complaints. I would have it referred to a Committee to examine all complaints, that they may be encouraged.

Mr. Scot. Those two Justices complained on, Gunston and Wilcocks, were at the door yesterday, and I believe are now there; and they can justify what they did, to be according to law, upon the statute of forcible entries.

I, in fault of a better counsel, advised them to come to you to satisfy you about the complaint. There is Captain Pride, son of Sir Thomas Pride, or I know not what you will call them.†

Colonel White. They themselves make their obstructions in Yorkshire. They appealed to one Justice. He was ready to relieve them if another would join; but they would have him act upon the Act of 49, which gives power to one Justice of the Peace, and their own interpretation put upon it; and if they could but get one Justice of the Peace to do it, they would ask no more.

* "Mr. Challoner, and Mr. Spence, Justices of Peace for Sussex. *Journals.*

† The other House. See vol. iii. p. 547 *note.*

There is a great complaint of the extravagancy of the Farmers; how they draw people into bonds, whole parishes, without either reading the bonds or giving them copies, though they desired it, and offered twelvepence for every copy. It is clear they intend to break the duty and the people too; and, in conclusion, to break with you. Such a clamour is all over the country, that I fear ill consequences.

Take such course that they may not only pay forthwith; but take care that they may run no farther in debt. They raise in Yorkshire near 100,000*l. per annum*, and pay but 15,000*l. per annum*, having raised it from 9000*l. per annum*.

Mr. Stephens. *Delatus versatur in universalibus.* They tell you, in general, there are arrears due to them, but tell you none in particular.

Put this off your hands, and let them see to have their contracts made good.

The Farmers were called in.

Mr. Speaker told them, that the House was not satisfied with their excuses. They knew their contracts; and, no doubt, had covenants from those who owe the duty to make payment to them. Therefore, the House ordered them to pay in all arrears before the first day of next term.

Thereupon, they withdrew.*

Colonel Bennet offered a paper for one of them, which was irregular. He was partner with another man who has done him wrong.

Sir William D'Oyly. He may sue his articles. It is not proper for you to meddle in it.

Sir Henry Vane. I doubt they intend but to gain time. The longer they keep money in their hands the worse for you. They will keep it till they can make better conditions with you.

There is no doubt as to Mr. Noell's money. He has it ready. He has three farms. Two of them are not included

* See *Journals.*

in your order; but the gentleman being a member of your House, no doubt but he will take care to have it all ready.

If you please, to the end you may settle the business of the Excise, and understand your revenue and the whole report before you; let it be debated in a Grand Committee for your safety, and that the nation may see you take this in hand.

Resolved, that it be referred to a Committee, to prepare and bring in a Declaration upon the debate concerning the excise now had in the House.

Mr. Annesley, and others, to meet in the Speaker's chamber this afternoon, at two of the clock; and the care hereof is, more especially, referred to Mr. Attorney of the Duchy.

Resolved, that the debate upon the report from the Committee of Inspection, be resumed to-morrow morning.

The House rose at one of the clock.

The Committee for the Ministers* sat in the Inner Court of Wards.

T. B. was in the Chair, and adjourned till Friday.

The Committee for Lame Soldiers, &c.† met and adjourned till to-morrow afternoon.

In the Speaker's Chamber, Mr. Hewley delivered papers to me.

Several Committees sat.

The Grand Committee of Grievances sat.

Colonel Terrill was in the Chair.

Serjeant Wylde moved to have his own petition‡ read to be restored to the office of Chief Baron; it being given him by the Long Parliament by ordinance and letters patent, *tempore Caroli.*

It was resolved by all the lawyers, that that part of his petition for his arrears was just; but the other part, to be restored to the office of Chief Baron, was not proper.

1. The place was vacant three years, and he never sought for redress, though several Parliaments have been, since.

2. Though it was granted to him *quamdiu se bene gesserit,*

* See *supra*, p. 378. † *Ibid.* p. 402. ‡ *Ibid.* p. 390.

and so for life; yet it was agreed by all judges, 1 *Eliz.*, 1 *Jac.*, and 1 *Car.*, that all commissions that run so, were determined by the death of the King.

3. Though the ordinance did appoint the Great Seal to give him letters-patent, the ordinance was not constitutive, but the letters-patent were; and the ordinance did only appoint him to constitute by the patents.

4. The place is full, being supplied by a worthy person who holds it by letters-patent, from his late and present Highnesses.

Ellis, Prideaux, Cartwright, Shaftoe, Terrill, &c. so resolved *nemine contradicente.*

The Committee for drawing up a Declaration for more due payment of the Excise, met in the Speaker's Chamber.

Mr. Lechmere was in the Chair.

Resolved, that it shall be paid during the sitting of this Parliament, unless this House shall in the mean time take other order.

Whence two questions arose.

1. Whether the Declaration should run in the name of both Houses.

2. Whether this House could alter it, being established by law.

It was long debated, whether the words "the Parliament," should be inserted, instead of the words "this House;" but carried for the words "this House" to stand, by nine against seven, which is a clear re-admitting the purse to the House of Commons, notwithstanding the law of Excise.

Mr. Stephens and *Sir Henry Vane* said it was so declared in 3 *Car.*

Mr. Bodurda, in the debate, happened to say that the Protector might dissolve the Parliament when he pleased, and it was ill taken.

Sir Henry Vane and *Mr. Stephens* affirmed the contrary; and that he had no such absolute power. His trust was otherwise, and it was a breach of trust in the Chief Magistrate to do it; and he could not, by the law, dissolve Parliament till all grievances were heard, which was one

principal end of calling Parliaments. But this debate fell asleep, happily; and was thought collateral to what was referred to the Committee.*

* "Whitehall, April 13. This day, the officers of the armies in the three nations, which are in town, had a solemn meeting, to humble themselves before God, and seek his blessing in reference to their own affairs; where the work of the day was carried on by several ministers." *Mercurius Politicus*, No. 562, p. 368.

"April 13, 1659. Secretary Thurloe to H. Cromwell.

"I am not wise enough to understand the present condition of our affairs here. We spend much time in great matters, but very little progress therein. Some steps are taken towards a communication with the other House, but they are very imperfect ones, and such as are not, for aught I see, likewise to bring us together.

"I suppose your Excellency will have an account from the souldiers of Ireland, of the addresse lately presented to his Highness by the army, in respect that the address was signed by most of the officers of the Irish army. It is here variously interpreted, and very great effects are expected from it, and from the further meeting of the officers of the army; who, upon Thursday next, intend further conferences among themselves. These tymes, and the affairs transacted in them, give motion to all sorts of humours in the nation; but I trust God will give a good issue to all." See "Thurloe State Papers," (1747,) vii. 655.

The following is from one of Charles Stuart's spies, or "intelligencers." He was, probably, an under-workman in the employ of Mr. Mordaunt, whose industry in bringing to perfection "the art of restoring," the Chancellor had lately encouraged by this gratifying assurance:—"concerning the dispatch of your patent, it shall be my care to see it done." This letter from Lord Clarendon's "honest Baron," has an interesting reference to previous circumstances recorded in the Diary:—

"Mr. Baron to the Lord Chancellor Hyde, April 13, 1659.

"I am at present retired into the country, to a convenient place, near my friend, and by his command, for I find the search is intended speedily in London.

"My Lord, you would admire not a little, to see the changes and alterations of people here, for as parties in the Parliament sway and predominate, so do men's hearts: one day, all air; another, all lead.

"Last week, our friends were strangely dejected by reason that the vote for transacting with the other House was carried so clearly by the Court-party; and now they are as much up again as ever; the cause, a clause in the preamble of a Declaration for a fast, in which the sins of Magistrates and Covenant-breaking are mentioned. This has put life

Thursday, April 14, 1659.

Prayers.

Colonel Terrill reported from the Grand Committee of the House for Grievances, the state of the case of Margaret, Countess of Worcester.

again into the Commonwealth's men, and they insinuate into the army, and tell them, 'the Court-party intend to force their consciences again, and to set up tyranny.'

"On this, the Army has sent out a Remonstrance, which is a very subtle cunning piece, and smells much of a Commonwealth. In short, I find not only amongst our party, but also by some who look further into the proceedings of the House and Army, that a breach will inevitably follow; and I am assured by a friend of mine, who is very busy amongst them, that the Commonwealth's men have the greatest interest in the army.

"Nothing can obstruct this, but the design of Thurloe to make a plot. To that purpose, he is turning every stone, and pretends to the House a great design, that many officers of the King's are come over, and in London, at least 200; and withal, Thurloe presseth to have all the King's party banished from London. I confess it falls out very unlucky, that so many are come over; though want of bread is the cause, yet in their cups here, they do mischief enough with their tongues.

"They have been, within these two days, so hot about this, [probably the Declaration,] and the accounts of the late Protector, that some stood up in the House, and said, that rather than they would suffer this, they would join with the common enemy. It is believed, the breach will be about money. In that they resolve to pinch Cromwell: so that, if Cromwell dissolves them, the Declaration to the country will be pleasing. Ten days will produce strange effects, and certainly nothing more probable than the King's Restoration.

"I was told by a good hand, that Monday night last, Cromwell was in so great fear, that he looked every hour to be taken out of his bed. I wish, before it is too late, he may secure himself and family by restoring our King. Thurloe hath lately sent for Major-general Browne, [see *supra*, p. 368 *note*,] and hath told him that Cromwell must be forced to rely on him, thinking himself not safe.

"I shall, the next week, go to Salisbury for Dr. Henchman. Mr. Mordaunt desires to have him in his house, to advise him on all occasions which is necessary, the greatest burden lying on him by the backwardness of others." See "Clarendon State Papers," (1786,) iii. 456—458.

Resolved, that Margaret Countess of Worcester, shall have the actual possession of Worcester House, in the Strand, delivered up to her on March 25 next; and in the mean time, the rent of 300*l.* be paid to her for the said House, for this year, out of the receipt of the Exchequer.

That the sum of 400*l.* be paid to the Countess or her assigns, in recompense of all demands for detaining of Worcester House from her, since her title thereunto by the late Act of Parliament.

That it be referred to Mr. Attorney-general, Serjeant Maynard, Mr. Marvell, Mr. Dixwell, Mr. Scot, Mr. Annesley, Lord Marquis of Argyle, &c. to consider how to remove, and where to place, the conveyances, records, and other writ-

It is probable that the profligate character of "the good king," whose "blessed restitution" was now so soon to be effected, was not unknown to the ladies, whom "honest Baron" thus unscrupulously reviles, and would fain subject to the most degrading punishment.

"Your Lordship cannot imagine the malice (in so high a degree) of the Lady Herbert against the good King. It is so great that it makes her unnatural; for though my friend's lady (her daughter) hath been, and is the most dutiful child to her of the world; insomuch, that she hath freely given her 4 or 5000*l.* of her own portion; yet, this old implacable piece of envy has injured her lately, of at least 2 or 3000*l.*, and done no right by it to herself; and for no other cause but because the young lady will not hear the King railed at without a rebuke.

"My Lords, this woman hath belcht out such devilish and damnable slanders, and makes it her daily practice so to do, that I shall but beget a trouble in you to send them. The Lady Newport is another of these jewels. These are two great trumpeters of the Duke of York, and think they cannot do it emphatically enough, but by railing at his Majesty. As high now as they hold their noses, I hope to see the day when such cattle as these shall be whipt at a cart's tail. I am sure this language deserves it." *Ibid.* p. 457.

Dr. Henchman, it seems, had easily transferred his allegiance from "the martyr Charles," to "the profligate Charles," (to adopt Lord Orford's distinction,) alike "Defenders of the Faith" and dispensers of ecclesiastical good things. He was now plotting for the restoration of the royal exile, whose escape he had assisted after the battle of Worcester. The restored "Head of the Church" paid in lucrative *Spiritualities* for these hazardous temporal services. Thus, Dr. Henchman, at his decease, in 1675, was Bishop of London and Lord High Almoner.

ings, now remaining at Worcester House, so as they may be disposed of, for their safety, and the service of the Commonwealth.*

I came late, and found the House in debate about Mr. Grove's going to the other House with the Declaration for the fast.†

Mr. Grove desired directions, whether he might stay for an answer.

Mr. Bodurda. It is not rational that he should come away without an answer. I only know in two cases, where a messenger does not stay for an answer.

1. When a herald goes to proclaim war.

2. When an apparitor comes to serve a citation. He claps it upon the door, and runs away for fear of a beating.

Mr. Salway. I perceive they are not sitting in the other House. Most of them are at Wallingford House.

It seems so they were, and not above four in the House; but they were gathering up their number, while we were debating.

The question was put, that Mr. Grove, when he hath delivered his message to the persons sitting in the other House, shall return to this House, without staying for any answer.

The question was misput. It ought not to have been put with a negative in it.

Mr. Speaker declared for the *Noes*.

* *Journals.* Lord Clarendon, after the Restoration, occupied Worcester House, while he was erecting the mansion whose cost and magnificence contributed to his fall and banishment, in 1667. See his *Continuation*, (1759,) pp. 971, 972.

"1664, Oct. 15. After dinner," says Mr. Evelyn, "my Lord Chancellor and his Lady, carried me in their coach to see their palace, (for he now lived at Worcester House, in the Strand,) building at the upper end of St. James's Street, and to project the garden." *Diary*, (1827,) ii. 221.

† It had been "Resolved, that a member of this House be appointed to carry the Declaration concerning the public fast, to the persons sitting in the other House," and "that Mr. Grove be the person." *Journals.*

Mr.——* for the *Yeas;* and that the *Yeas* go out.

Sir Arthur Haslerigge and others moved that the *Noes* go out, because it was not new; but the *Yeas* went out.

Yeas 100. Lord Falkland and Sir Arthur Haslerigge, Tellers.

Noes 144. Mr. Annesley and Sir Coplestone Bampfield, Tellers.

So it passed in the negative.

Sir Arthur Haslerigge said, he had the worst luck in telling of any man; and so it proved.

Mr. Grove, attended by above fifty members, (*Quorum* myself,) carried the Declaration to the other House, accordingly.

After a little stay at the door, for the Lords were reading a Bill, Mr. Grove was called in. He and all the members stood bare, by the walls, while the Lord Keeper Fiennes, and most of the Lords came down bare to the bar. We made one leg,† and then went up to the high step; and before Mr. Grove ascended, we made another leg. He delivered his message, *in hæc verba*, without giving them any title, for so was the sense of the House:—

"The Knights, Citizens, and Burgesses, assembled in the House of Commons, have commanded me to present this Declaration for a public fast to you, wherein they desire the concurrence of this House."

The Lords were bare all the time, and we withdrew, with two legs.

After a little stay we were again called in, and ascended the step with the same ceremony; all the Lords bare, sitting in their places, except Lord Fiennes, who was covered; but stood up bare, and returned their answer.

"The Lords," and then made a pause, as if it had been mistaken—"This House will return an answer to you by messengers of their own."

Whereupon we withdrew with the same ceremony.

It seems, after we were all gone out, one of the Lords called to Mr. Grove, and told him they desired our excuse

* Blank in the MS.

† See vol. iii. p. 21, *note* ‡.

for making us stay so long; for they had read half the Declaration before they knew that we stayed. Else they would have dispatched us sooner.

Mr. Grove reported this, in effect, to the House at our return; only he left out that passage that they said "The Lords," while we were delivering the message.

Mr. Lechmere, Attorney of the Duchy, reported from the Committee appointed to prepare and bring in for drawing up a Declaration upon the debate, concerning the Excise,* a Declaration prepared by the said Committee. The which was read, and was in these words.

Whereas it appears to this House, that divers Farmers of Excise are in great arrear of their farm rents; which is occasioned, as they pretend, by the refusal of sundry persons of late times, to pay their Excise. And whereas, this House is very sensible of the great wants and necessities of the army and navy; and no less sensible of the grievances the people are under, in the paying and levying the said Excise, which they have under consideration for a timely redress: this House doth therefore declare and require, that all the people of this Commonwealth herein concerned, shall make present satisfaction of all arrears, and due payment of the growing Excise during the sitting of this present Parliament; unless the House shall in the mean while take other order herein.

Resolved, that the words "manner of," after the words "in the," and before the words "paying and levying," be inserted.

We found the House divided upon the words "paying and," before the word "levying" in the Declaration, which was carried by 82 against 79.†

There was a very thin House. That was their advantage.

They were going to put the question upon the whole Declaration to pass so amended.

Mr. Solicitor-general took exception to several parts of

* See *supra*, p. 421.

† Colonel Mildmay and Mr. Jenkinson, tellers for the *Yeas;* Colonel Cooke and Mr. Higgons, tellers for the *Noes*. *Journals*.

it; and affirmed that it was implicitly laying aside the duty, and an assuming the sole power to ourselves, of altering that law whereby it was established, and that that law was good and firm, which he would make out against all objectors. By this, it appeared that it would abide some debate; so it was adjourned until to-morrow morning.

The House rose at almost one.

Mr. Serjeant Wylde moved to have a Petition read which he had in his hand. It was on behalf of a worthy member. He was bid to name him. It proved to be himself, and he was desired to offer the Petition; but he left that to the reader.

There was another petition against Major-general Boteler,* for his misdemeanour in Northamptonshire, and taking away a gentleman's possession, and imprisoning him, &c. It was moved that the House might be moved to refer this Petition to the Committee appointed to draw up the impeachment against others. Moved that you would appoint a day of hearing, and let Major-general Boteler have notice.

The Committee of Grievances sat.

Colonel Terrill was in the chair, and heard counsel.

The Committee for Maimed Soldiers† sat in the Inner Court of Wards.

T. B. was in the chair.

Ordered, that the Commissioners of Ely House attend this Committee on Monday next, to give an account of the pensioners, and pensions, and salaries, and Acts and Ordinance, whereupon they act.

The Committee of Privileges sat in the Star Chamber, about the election of knights for Cheshire, between Brooks and Bradshaw.

The counsel were Finch and others for Brooks, the Recorder Green‡ for Bradshaw.

* See *supra*, p. 406. † *Ibid.* p. 421.

‡ Elected on the decease of Sir Lislebone Long, (see *supra*, p. 160.) Mr. Guibon Goddard mentions him in his MS. as his "brother Green," and that he was chosen by the Aldermen to succeed Mr. Green in the Sheriff's Court.

Mr. Hewley was in the chair.

The stress of the debate was, that the sheriff, after the poll had begun and continued at Chester, and was almost at an end, and Brooks had the major part of the votes, did adjourn the poll for five days to Congleton.

Mr. Solicitor-general and *Mr. Shaftoe* offered that he might by law adjourn the poll.

Others said he might not, for, if so, it would be in the power of any sheriff to make what knights he pleased; for, by the same rule, he might have adjourned to Nantwich, and so from place to place, till he had gathered up a majority of votes for which person he had most mind to.

Out of the debate, upon the whole, the opinion was that the whole election was void, in respect of the adjournment of the poll, whereunto Mr. Lee was present.

The question being put that the election was good of Bradshaw and Lee, it was carried by seventeen *yeas* against ten *noes*.

Sir Henry Vane went away while they were polling, and would give no vote. He did hesitate, and refused to give his vote because he was not called.

Query, if he ought not to give his vote notwithstanding. I believe it will abide debate in the House.

The Committee sat till past ten, and arose in confusion.

Friday, April 15, 1659.

The members, being met in this House this morning, and the mace placed below under the table, they were informed that Mr. Chaloner Chute, who at the first meeting of the Parliament was chosen their Speaker, was dead.*

* "April 14. This day, about noon, at Dorset House, in Salisbury Court, died the Honourable Chaloner Chute, Esq., who was the first chosen Speaker, a person of eminent parts and integrity, which he had

Mr. Cooper, the minister appointed to perform the duty of prayer with the House on mornings, was called in to prayers.

Prayer being ended, and the minister withdrawn, the several members sitting in their places, considered of the choice of a new Speaker. And, upon consideration of the experience the House had of the great integrity and ability of Mr. Thomas Bampfield, who was called to the chair to supply the Speaker's place, during the absence and indisposition of Mr. Chute, the late Speaker, now dead; and what good service he had done the House, especially in the preservation of the ancient orders thereof;* it was propounded to the House, that Mr. Bampfield be continued in their service; and that he be chosen Speaker accordingly.

Mr. Bampfield, standing up in his place, first acknowledged to the House the great honour that was put upon him, in calling him to the chair before, upon Mr. Speaker Chute's sickness and indisposition; and endeavoured to excuse himself upon the reasons of the experience the House had of his unfitness for their service; and desired Mr. Edward Turner,† a

manifested for many years, in the exercise of the honourable profession of the law." *Mercurius Politicus*, No. 563, p. 374.

Mordaunt to Hyde, April 14, 1659. "Since the sealing up of mine, the Speaker is dead; and by us much lamented for fear of a worse." See "Clarendon State Papers," iii. 453.

Hyde replies "May 9, 59. I am very heartily sorry for the death of the Speaker, whom I have known well, and am persuaded he would never have subjected himself to that place, if he had not entertained some hope of being able to serve the king." *Ibid.* pp. 464, 465.

* See *supra*, pp. 234, 243.

† Of Gray's Inn, member for Essex. He appears among the counsel against the Regicides, as "Sir Edward Turner, Attorney to the Duke of York;" and on the trial of Major-general Harrison, concludes the following dialogue, in language towards a prisoner becoming the cause, of which, having seasonably dropped the mask of an anti-royalist, he was the legal advocate:—

"*Mr. Harrison.* Notwithstanding the judgment of so many learned ones, that the kings of England are no ways accountable to the Parlia-

person of great abilities and fitness for their service, might be chosen their Speaker.

ment; the Lords and Commons, in the beginning of this war, having declared the King's beginning war upon them; the God of Gods———

"*Court.* Do you render yourself so desperate, that you care not what language you let fall? It must not be suffered.

"*Mr. Harrison.* I would not willingly speak to offend any man; but I know 'God is no respecter of persons.' His setting up his standard against the people———

"*Court.* Truly, Mr. Harrison, this must not be suffered. This doth not at all belong to you.

"*Mr. Harrison.* Under favour, this doth belong to me. I would have abhorred to have brought him to account, had not the blood of Englishmen, that had been shed———

"*Counsel.* Methinks he should be sent to Bedlam, till he comes to the gallows, to render an account of this. This must not be suffered. It is, in a manner, a new impeachment of this King, to justify their treasons against his late Majesty,

"*Mr. Solicitor-general,* [Finch.] My Lords, I pray that the jury may go together upon the evidence.

"*Sir Edward Turner.* My Lords, this man hath the plague all over him. It is pity any should stand near him, for he will infect them. Let us say to him, as they used to write over a house infected, 'The Lord have mercy upon him,' and so let the officer take him away." See "Trials of the Regicides," (1739,) pp. 48, 49; *State Trials,* (1776,) ii. 322.

On Major-general Harrison, see *supra,* p. 121, Mr. Pepys says, "October 13, 1660. I went out to Charing Cross, to see Major-general Harrison hanged, drawn, and quartered; which was done there, he looking as cheerful as any man could do in that condition. He was presently cut down, and his head and heart shown to the people, at which there were great shouts of joy." *Diary,* (1825,) i. 78.

Major-general Harrison, for the integrity of his life and the Christian heroism with which he endured a cruel and ignominious death, may be deservedly classed, if he may not challenge priority, with a More, a Russel, or a Sidney. Yet the noble Editor and Annotator of Pepys, a collateral descendant, if I am not mistaken, of the accomplished Henry Neville, of this Parliament, is satisfied with merely remarking on this passage, that "Thomas Harrison, son of a butcher at Newcastle-under Line," was "appointed by Cromwell to convey Charles I. from Windsor to Whitehall, and afterwards sat as one of his judges."

The following medley will serve to introduce, and enable a reader duly to estimate, the General Martague of the Commonwealth, now, in the

But Mr. Thomas Bampfield being generally called on by the House, he was brought to the chair by Sir Walter Earle and Mr. Carew Raleigh: and being sat in the chair, and the mace placed on the table by the Serjeant, as is usual, the House proceeded in their business as formerly.

It is somewhat observable that Mr. Chute was taken in the same manner that Sir Lislebone Long was taken, before his death. It has never been known that two Speakers should die in that time. No good omen.

The Speaker was in a grey cloak.

The humble petition of the company of Parish Clerks, within the City of London and Bills of Mortality, was read.

Ordered, that the same course be observed, for certifying the number of the dead, weekly, and the diseases they do severally die of, within the parish of Margaret's, Westminster, and other the out-parishes, in the counties of Middlesex and

heyday of royal favour, created "Earl of Sandwich, Viscount Hichinbrooke, and Baron of St. Neots," (see *supra*, p. 148, *note.*)—

"October 19. This morning, Hacker and Axtell were hanged and quartered, as the rest are.

"20. I dined with my Lord and Lady. He was very merry, and did talk very high, how he would have a French cook, and a master of his horse, and his Lady and child to wear black patches; which, methought was strange, but he is become a perfect courtier; and, among other things, my Lady saying, that she could get a good merchant for her daughter Jem., he answered, that 'he would rather see her with a pedlar's pack at her back, so she married a gentleman, than she should marry a citizen.'

"This afternoon, going through London, and calling at Crowe's, the Upholsterer's, in Saint Bartholomew's, I saw limbs of some of our new traitors, set upon Aldersgate, which was a sad sight to see; and a bloody week this and the last has been, there being ten hanged, drawn, and quartered.

"21. George Vines carried me up to the top of his turret, where there is Cooke's head set up for a traitor, and Harrison's set up on the other side of Westminster Hall. Here I could see them plainly.

"23. Mr. William Montague told my Lord of an estate in land, lately come into the King's hands, that he had a mind my Lord should beg. To which end, my Lord writ a letter presently to my Lord Chancellor, which I did carry to him; and had a fair promise of him, that he would do it this day for my Lord." *Ibid.* pp. 79, 80. *Vendidit hic auro patriam.*

Surrey, within the weekly Bills of Mortality and late lines of communication, as is observed within the parishes, in the city of London.

Major-general Browne,* Sir William Wheeler, Colonel Grosvenor, Mr. Sherwin, Mr. Annesley, Colonel Thompson, and Mr. Francis Gerrard, are to take care that this order be put in effectual execution.

Mr. Speaker offered a Bill to be read, as the course was, which was a Bill for the uniting of Scotland, &c.

Mr. Bodurda and others, moved that we were not now as at the first sitting of a Parliament,† so that it was utterly improper to read a Bill; and so ruled.

Mr. Speaker. I desire to know what part of the Report which Mr. Grove made yesterday, you would have entered in your Journal.

The whole narrative was read.

Lord Falkland. If you enter all, you will be laughed at for your reward.

Mr. Grove. If you enter all, enter also, that there was such a crowd that I could not go in, and had like to have gone without my cloak.

Colonel White. Enter all, save that part of the colloquy between Mr. Grove and the single member;‡ that being no act of the other House.

Mr. Speaker, (and it was the sense of the House.) Leave it to the Committee appointed to peruse the diurnal, to insert what they think fit.

I observed, that all the eminent long-robe-men, except Turner and Terrill, were absent, in respect of the change of the Chair.

The order of the day was read, touching the Declaration for continuance of the Excise.

Mr. Cartwright and *Mr. Goodrick* moved that it be read over again, because many were absent.

Mr. Fowell. I move for an alteration, that we may not

* See *supra*, p. 424. *ad. fin.*

† See vol. iii. p. 4.

‡ See *supra*, p. 427, 428.

promise the people more than we can perform. We cannot take it off without the other estate's consent. I would therefore have, instead of the words, "that House," insert "the Parliament," and leave out the other clause, "during this present Parliament."

Mr. Disbrowe. I am against the clause. It will be a reflection both ways upon the Parliament, that it does neither care for remedy of the grievance in collecting, nor of the continuance of it, for payment of your army; but during this present Parliament.

Lord Marquis Argyle moved, instead of the words "this House," to say "they" take further course.

Mr. Starkey. I am for the Declaration as it is penned. It is only to let the people know at present that you mean this duty should be paid. It is settled by a law already.

Serjeant Seys. This is either to make this another Long Parliament, or no long payment of the Excise. We are not in a condition to be without it. I move to leave out the clause.

Mr. Hobart. It is a general rule in civil, and all other matters, that doubtful words should be taken, *in mitiori sensu.*

Consider the occasion of appointing your Committee. Some are of opinion that we are forgetting all that we have done. If I should be against "the House," now that you have voted, I should not think myself worthy to sit here.

You do not declare the legislative in this House. You only establish *quantum in vobis est*, without either validating or invalidating the Acts and Ordinances for the Excise. I find that the most ostrich-stomach cannot digest the perpetuity of the 130,000*l. per annum*.

Mr. Trevor. This is a stronger implication that the Excise shall be paid no longer than this Parliament. If you intend it, pass an Act for it. Else it will remain as a moot point. You do sit, and, for aught I know, may sit, to take further order in it.

Mr. Annesley. The ground of the declaration was the stop of payment since the sitting of this Parliament; and it is only

to clear us of that reproach. Let us not, under the notion of redressing grievances, make them greater.

I found transacting necessary, as I do the Excise, for the present; and, therefore, I was for them both, for the present.*

The words offered to you are, in effect, to make it perpetual, and, by implication, to confirm all the laws, and to lay aside the redress of all the grievances you have now under consideration.

Mr. Secretary. I cannot agree with the Committee. Your sense is not pursued. The Committee have decided this question, that the legislative is wholly in this House.

If any thing be good since 47, that the King went away; then, certainly, all laws made in 56, are good laws to bind the people.

Lord Lambert. I move to agree with the Committee; for if you confirm it as it is offered, if any accident should happen to this Parliament,† then you bind it for ever upon the

* Perhaps more was here meant, by this expectant Royalist, sitting for Charles Stuart in the Parliament of the Protector, than met the ear.

† This the Royalists appear to have now expected. "Mr. Mordaunt" writes from London, "to the Lord Chancellor Hyde, at Paris, April 14, 1659:—

"You may assure yourself the odium will not fail to fall on Thurloe, if this Parliament dissolve, and how it can subsist, and not ruin Cromwell, I protest I see not."

The Chancellor had written to Mr. Mordaunt, "April 11. I would be glad to know the reason why (since the sitting of this Parliament) we have not heard the least mention of Bradshaw, Lambert, or Harrison, as if they were persons who have no parts to act."

Mordaunt replies, April 14. "Truly, my Lord, I can give you no account of either Monk or 262, but such as has report for its author; but Ludlow, Lambert, and Harrison are deep in the army design, and no friends of ours, unless by accident." See "Clarendon State Papers," iii. 454, 455.

"General Monk," at the same time, thus writes "to Secretary Thurloe, Edinburgh, April 15, 1659:—

"I heare that there is one or two that lie ready in Holland, with commissions from Charles Stuart, to come into this country: one of their names is Hamilton; but whether they lie there till such time as we disagree among ourselves, or whether they intend to come speedily

people, and it is as great an argument as any that can be, that this House may be spared.

Mr. Bodurda and *Captain Hatsell* offered an expedient, by adding something to the preamble, to limit it to a time.

Mr. Attorney-general. All agree that all money must arise originally from this House; but, when once given, this

over with them, I knowe nott; butt this I heare from good hands." See "Thurloe State Papers," vii. 656.

Bishop Warburton remarks of Monk, that "he certainly had never any purpose to serve the King, till it appeared to him that it was in vain to think of serving any body else." See Lord Clarendon's *History*, (1826,) vii. 646.

In one of the passages of "the History of the Rebellion," omitted by the Editor, in 1704, but lately restored from Lord Clarendon's MS., he says of Monk's "understanding and ratiocination: Alas! it was not equal to the enterprize. He could not bear so many and so different contrivances in his head together, as were necessary to that work." *Ibid.* p. 396.

In another omitted passage, Lord Clarendon thus describes "Nan Clarges," (see vol. ii. p. 306, *note*,) the first Duchess of Albemarle, by whose aid the Presbyterian Royalists appear to have advanced their intrigues with the General, to promote, according to their short-sighted policy, the restoration of their future persecutor, Charles Stuart:—

"He was cursed, after a long familiarity, to marry a woman of the lowest extraction, the least wit, and less beauty; who, taking no care for any other part of herself, had deposited her soul with some Presbyterian ministers, who disposed her to that interest. She was a woman, *nihil muliebre præter corpus gerens*, so utterly unacquainted with all persons of quality of either sex, that there was no possible approach to him by her." *Ibid.* p. 383.

Monk's chaplain, Dr. Price, says, "that his wife had, in some degree, prepared him to appear, when the first opportunity should be offered. For her custom was, (when the General's and her own work, and the day were ended,) to come into the dining-room to him in her *treason-gown*, (as I called it,) I telling him, that when she had that gown on, he should allow her to say anything. And, indeed, her tongue was her own then, and she would not spare it; insomuch that I, who still chose to give my attendance at those hours, have often shut the dining-room doors, and charged the servants to stand without, till they were called in." See "The Mystery and Method of his Majesty's Happy Restauration," (1680,) p. 13; Maseres's *Tracts*, (1815,) ii. 712.

Mrs. Hutchinson has introduced this well-matched pair, quite in cha-

House alone, cannot recall it. It is settled by Act of Parliament, and cannot, by a declaration of this House alone, be recalled. I would have the declaration laid aside or recommitted, and go on with the Bill.

Mr. Serjeant Maynard made a long speech against passing it as it was penned.

It shakes the foundation of all your laws that have passed in this Parliament, or since 47. I would have it recommitted.

A great many members spoke to it, *pro* and *contra*. I went out, but, it seems, at last they came to the question to recommit it, upon which the House was divided.

The *Yeas* went forth.

Yeas 110. Mr. Secretary, and Mr. Nathaniel Bacon, Tellers.

Noes 93. Lord Lambert and Mr. Trenchard, Tellers.

Resolved, that this declaration be recommitted.

The House rose at one o'clock.

The Grand Committee of Trade sat not, other Committees being full.

In the Exchequer Court, met Serjeant Wylde's Committee. *Mr. Nathaniel Bacon* was in the chair.

A great many long-robe-men were there, on the Chief Baron Widdrington's* behalf. They did nothing, but adjourned till Tuesday.

Serjeant Wylde alleged that he was surprised, and not provided to state his case, and therefore desired time. The Committee thought it reasonable to grant this, and also to adjourn to the Inner Court of Wards, he being scandalized to stand at that bar where he had been judge of the Court, and many of the Committee had pleaded before him.

racter, when speaking of the injustice and cruelty endured by "the late King's judges," she adds:—

"Among which, I cannot forgett one passage that I saw. Monke and his wife, before they were moved to the Tower, while they were yett prisoners at Lambeth House, came one evening to the garden, and caused them to be brought downe, only to stare at them." *Memoirs*, (1810,) ii. 270.

* Speaker in 1656.

He took occasion, at the Grand Committee, highly to magnify himself; but said not a word of the present Lord Chief Baron's merits; whereas others that spoke did commend both: but, I believe, as to him, but by way of compliment, as being able to say little else in his case.

The Committee for the Brewers sat in the Queen's Court; *Mr. Scot* was in the chair.

Counsel were heard, and several petitions.

The Committee for Mr. Cogan's children sat in the Speaker's Chamber.

Mr. Starkey was in the chair.

The counsel were Mr. Finch and Mr. Peters.

It was against Mr. Clement of the Long Parliament, who had bought lands settled on them before the bill of sale, and Clement was both judge and purchaser, and what not. There was nothing but equity for the Petitioners.

Mr. Wakeman was there, and defended it pretty handsomely for Mr. Clement.

Mr. Finch said, next to Lord Craven's case,* it was the saddest of all.

The Committee for Wales sat in the Exchequer Chamber.

Mr. Serjeant Seys was in the chair.

The Committee for Worth Mines sat in the Court of Wards.

T. B. was in the chair.

Adjourned till Tuesday.

The Committee for servants of the King's children met there, and adjourned for the want of a sufficient number.

Sir Alexander Dick's Committee sat there.

Mr. Wharton was in the chair.

Saturday, April 16, 1659.

Mr. Cooper prayed.

Mr. Speaker took the chair at nine.

* See *supra*, pp. 390, 393.

Colonel Grosvenor. I took notice of a great number of people called Quakers, in the Hall yesterday and to-day.* I wish you would take some course with the Petition that has laid a long time before you; and that they be dispersed.

Mr. Annesley. They are a fanatic crew. I would have their Petition referred to a Committee, to put it off your hands.

Mr. Fowell. I move to whip them home as vagrants.

Mr. Danby. I move that a law be provided to suppress that railing against the ministers.

He instanced what Mr. Bulkeley and Dr. Reynolds† had overheard some of them say: "the priests and lawyers are bloody men, give them blood to drink."

Sir Walter Earle. I except against the title "friends," and "the Parliament so called," in the Petition.‡

* "April 15. This day and the following, a great number of a sort of people called Quakers, come up to London from several parts, assembled themselves in Westminster Hall, with intent to represent somewhat to the House touching the men of their way." *Mercurius Politicus*, No. 563, p. 374.

† See vol. iii. p. 66.

‡ "Friends,

"Who are called a Parliament of these nations, we, in love to our brethren that doth lye in prisons and houses of correction, and dungeons, and many hath, in fetters and irons, and have been cruelly beat by the cruel gaolers, and many have been persecuted to death, and have dyed in prison, and many lyeth sick and weak in prison, and in straw; so we, in love to our brethren, do offer up our bodies and ourselves to you, for to put us as lambs into the same dungeons and houses of correction, and their straw, and nasty holes and prisons, and do stand ready a sacrifice, for to go into their places, in love to our brethren, that they may go forth, and that they may not dye in prison, as many of the brethren are dead already; for we cannot but lay down our lives for our brethren, and to take their sufferings upon us, that you would inflict upon them; and if our brethren suffer we cannot but feel it; and Christ saith, it is he that suffereth, and was not visited. This is our love towards God and Christ and our brethren, that we owe to them and our enemies, who are lovers of all your souls, and your eternal good.

"And if you will receive our bodies, which we freely tender to you for

The petition was read. It was directed for "The Speaker of the Commons assembled in Parliament; these are for him to be read to the House of Commons."*

Sir William D'Oyly. I am against proceeding against them as vagrants; but would refer the business to a Committee.

our friends that are now in prison, for speaking the truth in several places, for not paying tythes, for meeting together in the fear of God, for not swearing, for wearing their hats, for being accounted as vagrants, for visiting friends, and for things of the like nature, according to a paper intituled, *A Declaration to the Parliament*, delivered the sixth day of the second month, called April, 1659, to the then Speaker of the said House. We, whose names are hereunto subscribed, (being a sufficient number to answer for the present sufferers) waiting in Westminster Hall for an answer from you to us, to answer our tenders, and to manifest [redacted] to our friends, and to stop the wrath and judgment from coming upon our enemies."

The signatures are 164, all quite *unfanatical*, (see *supra*, p. 388, *note*.) The petitioners thus conclude:—

"If we had been of Esau's stock, we should have fainted before now. And if we had been of Cain's stock, we should have built up his citie, and should have fought with his weapons; which was not, nor is, the way of the just, the elect, of which we are, before the world began." See "The King's Tracts," No. 784.

* "Upon the reading thereof, the same amongst other things, referred to another paper, intituled, 'A Declaration to the Parliament, &c.' delivered the sixth day of the second month, called *April, 1659*, to the then Speaker of the said House." *Journals.*

"A Declaration of the names, places, and present sufferings of above 140 persons of the people of God, (who are now in prison,) called Quakers, with a brief account of about 1960 more, already returned, being but a part of many more that have suffered within these six years last past, whose names and particular sufferings are not here set down.

"Together with the number of twenty-one persons, who were imprisoned and persecuted until death. All which was delivered to Thomas Bampfield, then Speaker of the Parliament, on the sixth day of the second month, 1659, and which it is desired may be read and considered of by this Parliament, that right might be done.

"With an offer to the Parliament of our bodies, person, for person, to be imprisoned, for the redemption of our brethren, who are now in bonds for the testimony of Jesus.

"London, Printed for Thomas Simmons, at the Bull and Mouth, near Aldersgate, 1659." See vol. iii. p. 507, *ad fin.*

Mr. Swinfen. Order them, every of them, to go to their calling, and apply themselves to the law, which is their protection.

Captain Baynes. I move to clear them, and make them innocent persons. Many of them were imprisoned for not taking the oath of abjuration.

Major-general Kelsey. No reasoning by scripture will convince them;* for they make that but a nose of wax.† They call miscalling the ministers speaking the truth. The justices of the peace do well to imprison them.‡ I cannot be a pleader for them. Disturbers of the peace, they deserve it. They will not conform to the law.

As to those that lie imprisoned for not taking the Oath of Abjuration, I would release them. I would have some time for their continuance in prison; but not an unlimited extent.

* Probably as to the lawfulness of oaths. See vol. ii. pp. 277, 278, *notes*.

† See *supra*, pp. 337, 338.

‡ See vol. ii. p. 112. Their uncomplying principles and alarming progress, were thus described at this time, in a petition to the Protector and the Parliament, preserved as "a specimen of the fiery zeal wherewith some were enflamed against the Quakers." It was presented from "the Justices of Peace, Ministers, and others, well principled inhabitants of Leeds, Wakefield, and Bradford, &c." They represent,

"That these populous places, and parts adjacent, now are, and for a long time have been, miserably perplexed and much dissettled by that unruly sect of people, called Quakers, whose principles are to overturn, overturn, overturn, magistracy, ministry, ordinances, all that which good men would keep up by their prayers and endeavours.

"The approved ministers of the nation they deny to be ministers of Christ. The Ordinances now used in our public assemblies, are things in their account, which rose out of the bottomless pit: sermons, the invention of fallen man, and mere traditions. It is these men's common practice to meet by hundreds, in or near to our places of public worship, on purpose to disturb the preacher and people assembled, causing and speaking all manner of evil against those things that all sober minds deem good, to the great terror of some, and no small trouble to other ministers, seeing they so frequently give out, that in a short time they shall be the greater number." See "An Abstract of the Sufferings of the People called Quakers," (1733,) i. 342, 489.

Call two or three of them to come in, and advise them to return to their homes, and you will command by your members, that if any be illegally imprisoned, which does not yet appear, they may be released.

Mr. Fowell. The justices of peace cannot imprison for not taking the Oath of Abjuration.

Colonel West. I cannot justify them in their affronts to the ministers. Refer it to a Committee to hear their grievances, which is the right of the commoners of England, and that gentleman * was mistaken who moved to whip the commoners of England.

Mr. Lechmere. You are not, as a Christian Magistracy, bound to bend your laws to every Pretender's conscience. I am against referring it to a Committee. Who dare attend it, unless the gentleman who spoke last? I dare not. They refuse to answer upon oath, which is *juramentum purgationis.* All that were imprisoned at the time of the Protector's death for contempt of court, were, of course, then delivered by law if they looked after it.

Their language is as little justifiable as the ——† of Rome. For their railings against the ministers, see their books. The question will be, whether you will dispense with that cast of the hat. I have known when you could not hear some petitioners coming hither. You have sent out members to receive their address. To rid your hands of this business, do as Mr. Swinfen moved.

Colonel Kenrick. Refer it to a Committee. You receive and examine petitions without respect of persons.

Mr. Steward. They complain not of any thing done contrary to law, but according to law. Though they seem but a small number, yet lesser beginnings have grown to great heights. In their books I find a denunciation of judgment. They will easily believe they are the persons appointed by God to execute this judgment. They are not of that simplicity as is moved, but wolves under sheep's clothing.

Mr. Stephens. Some I look on as persons seduced. Those

* Mr. Fowell; *Supra*, p. 440.

† Blank in the MS.

I pity. Others, as seducers; those I pity not. The Jesuits have too great a stroke amongst them.* Let them repair to the Committee of Grievances. It will fall out that most are imprisoned for transgressing a fundamental law. I hope you will not dispense with their contempt.

The question was read, as to their repairing to their habitations, &c.; but—

Colonel West moved, that the first question was for a Committee; and prayed that might be first put.

Mr. Scot. Refer it to the several knights of the shire to send to the Justices at the next sessions, to inquire into this business, and to redress their grievances according to law.

Mr. Attorney-general. Till the ordinary course fail, they ought not to apply to you.

Mr. Annesley. Now I have read the Petition I am against either committing the Petition or calling them in. The Petition is unreasonable, and declares their desire that is neither consonant to the laws of God or man. Declare also the petitioning tumultuous. Unless you declare against the thing itself, you will be troubled next week with as many.

Mr. Reynolds. I move that it be referred to a Committee, to clear your members of the scandal laid upon several of them.

They say they are imprisoned for meeting together in the fear of God, for not swearing, for visiting their friends, and speaking the truth; all which are in themselves good, and it is a strong reflection.

If you pass this, the people will think all is true that they say, and that you will not question it, because so many members are concerned. I am one.

Some moved for a Committee to go out to them; others to send the Serjeant; others to call them in. Others moved for declaring that this House doth take notice of their tumultuous assembling themselves together, and their contempt of magistracy.

* See vol. i. p. 110, *note*.

Mr. Reynolds. Change the word "tumultuous" for "numerous."

Mr. Attorney-general. Every assemblage of persons of an unlawful number, is tumultuous.

Mr. Jenkinson was against the word "tumultuous."

Mr. Thomas was for the word "ministers" to be added.

Mr. Gewen. This minds me of what Solomon says,* "Answer a fool according to his folly, lest he be wise in his own conceit." I would have the word "tumultuous," for they are so in petitioning against the magistracy.

Lieutenant-general Ludlow in favour.†

Mr. Boscawen. You will give them too great a reputation abroad, to say they are numerous. They will be thought 20,000.

Sir Walter Earle and *Mr. Shaw* were against the word "petitioners;" for their address appeared not to be a petition.

Resolved, that the answer to be given to the persons that presented this paper is, that this House hath read their paper, and the paper thereby referred to; and doth declare their dislike of the scandals thereby cast upon magistracy and ministry; and doth therefore order, that they and other persons concerned, do forthwith resort to their respective habitations, and there apply themselves to their callings, and submit themselves to the laws of the nation, and the magistracy they live under.

Mr. Goodrick moved, that Colonel West deliver this answer. Others moved that the Serjeant might do it.

Colonel West said he was most unfit, in regard he moved for a Committee; and therefore moved that the Serjeant might carry it.

The question was put, if the Serjeant-at-Arms do return the aforesaid answer, to the persons that presented the aforesaid papers to the House.

Mr. Speaker declared for the *Noes*.

Mr. Higgons and another young gentleman, declared for the *Yeas*.

* *Prov.* xxvi. 5.

† Here appears a blank in the MS.

It was held not fit to divide for such a trifle. The *Yeas* should have gone out. Therefore it was ruled that they might be called in.

Colonel Bennet. I move against calling them in.

Colonel Eyre. For your bearing public testimony against them, I would have them called in; and their hats taken off before they come in.*

Sir John Coplestone. I move that Moore, and two or three of the most considerable, be called in.

Moore was a justice of peace. One of them, worth 10,000*l.*, is in nomination to be an Alderman of Colchester. His name James Furnas.

Others moved to take the first at hand, lest you call a tumult about the doors.

The Serjeant went out with the mace, with two or three of their names that were most considerable.

It was ordered that he should take off their hats, and tell them they must only hear Mr. Speaker.

They were called in, two of them, with their hats off.

Mr. Speaker declared the judgment.

They strove to speak, but were not permitted; only one of them as they went out said, "The name of the righteous shall live; but the name of the wicked shall rot."

Mr. Poole moved, that this vote be printed.†

* "The Serjeant, by command of the House, was directed to call in Thomas Moore, John Crook, and Edward Byllyng, three of the persons that signed the paper mentioned to be delivered the sixth of this instant, April, to receive the said answer at the bar of the House; and to take off their hats before they come within the door of the House.

"Thomas Moore being absent, the said John Crook and Edward Byllng were brought in to the bar, with their hats off. And Mr. Speaker, by the command of the House, declared to them standing at the bar, the aforesaid answer accordingly." *Journals.*

"Edward Byllyng," is probably the person thus noticed by Mr. Pepys. "1659-60, Feb 7. To the Hall, where in the palace, I saw Monk's soldiers abuse Billing and all the Quakers that were at a meeting-place there; and indeed, the soldiers did use them very roughly and were to blame." *Diary,* (1825,) i. 13.

† "Resolved, that the clerk do take care, that the answer given by

Mr. Annesley. I hope the time is not lost.

Now it is over, I would have you apply yourselves in a Grand Committee, upon the report from the Committee of Inspections. Money answers all things.

Mr. Reynolds. I second it; but first give a little light to your Committee by a debate in this House, as was usual; that you may not tumultuate your debate. If this be done, which is in the bottom of the bag, and must be done, we shall, I hope, be able to buoy up our reputation, so as to be a nation again.

Mr. Scawen made a report * touching the balance; rather particularly, for the three nations.†

He further reported a claim of Lord Marquis Argyle for 12,000*l.*, charged by order of the Protector and Council, upon the excise in Scotland, part paid.‡

the House this day to the papers presented to the House, by the persons commonly called Quakers, be forthwith printed." *Journals.*

* See *supra*, p. 387.

	£.	s.	d.
† "The annual income of England is . . .	1,513,274	17	1
"The annual issues and expences . . .	1,547,788	4	4½
"The balance is	305,13	17	3½
"The annual income of Scotland is .	143,652	11	11
"The annual issues and expences . .	307,271	12	8½
"The balance is	163,619	0	9½
"The annual income of Ireland is . .	207,790	0	0
"The annual issues and expences . .	346,480	18	3
"The balance is	138,690	18	3
"The balance" of "the annual issues and Expences" deducted from "the annual Income of England Scotland and Ireland" is	80,623	6	4
"The whole debt of the public, at present, and before the year's end, is and will be	2,222,090	0	0
"Besides what may be due to the forces in Flanders." *Journals.*			

"‡ Memorandum. Since this account was reported to the House, it

The House rose at almost one.

The Committee of Privileges sat upon the business of Pembroke.

Mr. Hewley was in the Chair.

They sat late, and were so equally divided upon the question, that there was ten and ten; and it came to the Chair to cast it.

Monday, April 18, 1659.

I came late, and found the debate, that there should be no general councils without doors, without license,* and the ge-

does appear to this Committee, that by an order of September 11, 1656, by the Lord Protector and his Council, the Marquis of Argyle is to receive the moiety of the excise of wines and strong water in Scotland, not exceeding 3000*l.* a year, until he shall receive 12,116*l.* 13*s.* 4*d.*, in full of 145,400 pounds *Scotch*, with interest.

"And, by the Auditor's certificate of Scotland, it appears, that the Marquis hath received, by a particular order of the Lord Protector and Council, 1000*l.* part thereof, and that there remains 11,116*l.* 13*s.* 4*d.*, upon which the Council of Scotland hath given no further order for the Marquis's satisfaction.

"Resolved, that the consideration of this account, with the papers and vouchers to maintain the same, be referred to a Grand Committee of the whole House; and they to report their opinion thereupon, to the House.

"That it be likewise referred to the same Committee, to consider how the charge of the Commonwealth may be retrenched, and how the public revenue may be managed to the best advantage.

"That it be referred to the same Committee, to consider of the just debts and charges of the armies and navies of this Commonwealth, and how the same may be satisfied.

"That this House be resolved into a Grand Committee, on Monday morning next, for this business. And that Mr. Speaker do then leave the chair, accordingly; and that no other business do then intervene." *Journals.*

* "Dr. Thomas Clarges" thus writes "to Lord Henry Cromwell, Lord Lieutenant of Ireland," April 19, 1659. "This last week, our consultations in Parliament were, for the most part, preparatory to matters of accounts, and ended in a resolution to meet yesterday, in a

neral sense of the House that way inclined. Sir Robert Pye had moved it; and it was ordered before that none should go out.*

Lord Falkland. You have been a long time talking of three estates. There is a fourth which, if not well looked to, will turn us all out of doors. They have not only made resolutions, but have had the impudence to print them.† I am against their meetings, and would have them suppressed.

Grand Committee, to consider of our debts, and the present necessities of the armies, and the ways of retrenching the charge of the Commonwealth, and improving the revenues thereof. But before this resolution was put in execution, a motion was made concerning the meetings of the officers of the armies in a General Council, whereby it was said some umbrage was put upon the Parliament." See "Thurloe State Papers," vii. 657.

* "Resolved, that the door of the House be now shut, and that none of the members of the House go out of the House, without leave in that behalf first obtained.

"Colonel Bennet being gone out of the House, before the putting of the foregoing question, it was

"Resolved, that Colonel Bennet be required, forthwith, to attend the service of the House.

"Colonel Bennet, being returned into the House, stood up in his place, and informed the House, that he went out of the House for the dispatch of some private and particular affairs of his own, which required some haste; and that, having given a dispatch thereunto, he returned of his own accord, to attend his duty and service in the House, without any notice or knowledge of the service of the House for his attendance. With which account, the House rested satisfied." *Journals.*

† See *infra*, p. 462, *note* ‡. "Mr. Mordaunt" thus writes to "Lord Chancellor Hyde, April 14, 1659:—

"The Remonstrance then takes place, though much against Cromwell's will, who told Fleetwood, that it should be suppressed, and however, that he would not recommend it to the House. Upon this, the officers met again, resolving to gain reputation by striking the first blow, printed it by public order from themselves.

"The arrears and future securing their pay, gives the greatest rise to the petition, which, at last, Cromwell sent to the House, [*supra*, p. 379,] and it was read.

"Since the petition, private Councils are very frequent; Lord Broghill every day with Pierpoint [*supra*, p. 274, *ad fin.*] or St. John. Thurloe keeps close to his principle yet, for all I can perceive, yet I have one

The House was very full.

Sir John Lenthall moved, and it was ordered that letters be brought in to the Speaker's chair.

Captain Baynes. It is not, judicially, before us that there is an army. Your army is a main ingredient in your government. Lose that, and you lose all. Which one estate soever have that, destroys the other two. I would have it examined, by whose authority this general council came together. I doubt it was by some that, seeing they cannot serve their turns, cry out against them. It is fit we should have our share.

Sir Arthur Haslerigge cried, Well moved. I was in the army, an officer, fourteen years. Now, I am none. I know the grounds of this motion, and go not precipitately to this vote. The late Protector was general for life. I question, if any officer have a legal commission. It may be, the two other estates are courting them. I would have you also to court them, by providing them pay. Before you pass any vote, that implies to make his Highness general, consider whether you will have one general, or several persons. Go upon that which will draw the affections of the army after you.

Mr. Swinfen. The scope of what that gentleman discourses is, that he is against the Protector's being general. His argument is also against your being general. I perceive, by him, the army are divided about who shall be general, before you have determined any thing about it. For that very reason I am against these general meetings. I hope there will be no negative upon this, that no council, while you sit, shall sit without your leave.

They are no military council. This is a council directly contrary from a council of war. It is not known to the laws

observes him near. I wish I may be deceived, and that the advertisement your Lordship had, prove true. If it does, Cromwell may be brought about.

"Mr. Henchman, [*supra*, pp. 424, 425, *ad fin.*] will settle in my house, if the King command him; so long, at least, as this affair hangs in suspense." See "Clarendon State Papers," iii. 451, 452.

of war, nor to the laws of the nation. The title of the council runs to meet the title of the Parliament of the Commonwealth of England, Scotland, and Ireland. This will rather be a dishonour to your votes. I see no need of it. The danger is a great deal. It fills the people with fear. People talk, what will become of the Parliament? It weakens the reputation of the Parliament. After the meeting of the officers, the next may be that of the common soldiers.* Every member has his proper office in political as well as natural bodies. They meet to serve one or other. It is fit you should know them. They are both unnecessary and dangerous.

Mr. Reynolds. I never had any hand in councils without doors. I never went along with them. I abhor the thought of it. I am also against all other councils and meetings, such as were to constitute a Parliament. I would have the grounds of this general council examined. You are upon a tender point, and it must be well handled. When your army was at Saffron Waldon, drawing up hither, I was for tenderness then, and to qualify them with six weeks' pay. They wanted that pay, and you know how your vote was disobeyed. Take heed you take not the thorn out of another's foot, and put it in your own wholly. Let us not disoblige. You dismissed the Quakers† not pleased.

There is nothing disorderly in their debate, nor against this House. I hope they are your favourites.

In matters of this danger or difficulty, I hope you will not go alone, but take in the other House. Appoint a Committee to carry on a conference with the other House. If it had been so dangerous as is represented, surely we should have heard from the other House; they being persons of integrity, and chosen to that purpose.

When the Cavaliers swarm, it is not fit either to disperse, or discontent your army. Ten Cavaliers do you more harm here than forty in the country.

If you pass it, so as to look too fully upon the army, and not at other meetings too, I doubt I shall give my negative to

* See *supra*, p. 388, *note*. † *supra*, p. 446.

this. If you pass this vote, pass it as generally as you can, and let the other House either begin, or follow you.

Mr. Serjeant Maynard. I am sorry to see wise men so tender in this point. You must not do so much as a mouse. I would have plain English spoken. You give no cause of jealousy. As to the point of pay, you go as fast on as such councils can. I shall not make any inference from those remonstrances. Pluck the wicked out of their places. It comes at last to you. Lord have mercy upon us, if we cannot speak to our army, to go to their stations and their charges, but we must discontent and disoblige them!

If your army be an "ingredient in your government," I hope he* meant better than he spoke; for, if so, they sit among us. It was told you there were but seven officers, I was there when there were eleven, and Mr. Peters† to boot. What work were they doing? Surely something? Why should not they go into the country to look to the Cavaliers? It is said there is a council among us. I cannot believe it, that we do go along with this council without doors.

* Captain Baynes, *supra*, p. 450.

† Probably as chaplain: see vol. i. p. 244; ii. 346; iii. 110, *notes*. To Hugh Peters had been entrusted the Library of St. James's. Some of its curious contents are discovered in the following advertisement:—

"Tuesday, February 1, 1658-9. Workmen being employed for repairs of the house of St. James's, and some part of the leads over the library there being to be amended, some idle persons and youths took an opportunity to get into the library, where they found good store of medals, some of gold, others of silver, the rest of brass; which, for their rarity and antiquity, had formerly been collected, and were still preserved there. This they took to be treasure, and seized it as prize, divers of them filling their pockets; some of which were apprehended before they could get away, and are since committed to the Gatehouse; by which means, many of the medals are recovered, and more it is hoped, will be. But many are like to be lost, unless such persons as by accident, shall have a view, be pleased to discover them. These are, therefore, to desire all goldsmiths and other persons whatsoever, that in case such things shall be offered to them, they would take care to apprehend the parties, and give notice thereof to Mr. Hugh Peters, at Whitehall." *Mercurius Politicus*, No. 552.

Mr. Hungerford. You ought not to suffer any without doors to make a descant upon your resolutions. I am for your declaration, and withal to vote that all the persons of the other House that were at that general council, shall be disabled from sitting in the other House this Parliament. I wish you had always done so. Much of your mischief had been prevented, that has come upon you. I wondered to see this remonstrance abroad.*

Mr. Scot. Either there is nothing in it, or more in it than we know: otherwise the gentleman that would have given us an account of their debate would not have been taken down. It is no secret, no new thing, the meeting of the officers.

Is not this to expose your army to assassination, all England over. Disperse them, and you will keep the Cavaliers together.

It can never be policy to distrust those you are obliged to trust. I profess I was no more knowing of what was done to the House in 48. It is a paracelsian† remedy, that may kill as well as cure, I was never at Wallingford House‡ nor Whitehall since you sat, and why shall I go?

A Declaration was passed to make the army traitors. Some few of us were against it, and moved how will you bring them to justice unless you will raise another army. You were fain to eat that vote next day.

Confidence is better, in that case, than jealousy. It was Alexander's case. A potion was offered to him, and a letter. He durst not refuse the potion, but gave the physician the letter.§ So was his confidence better than his jealousy.

* See *supra*, p. 449, *note* †.

† Referring to the daring medical practice of Paracelsus, a very eccentric physician of the sixteenth century.

‡ The residence of Fleetwood. Describing the conduct of "Lambert, the great favourite of the army," prior to the calling of this Parliament, *Hobbes* says:—"He and the rest of the officers had a Council at Wallingford House, where Fleetwood dwelt, for the dispossessing of Richard." *Behemoth*, (1682,) p. 316; Maseres's *Tracts*, (1815,) ii. 640.

§ See *Plutarch*. Sir Richard Steele, in the *Tatler*, No. 208, proposes this scene, as a fine subject for "a history piece."

There was another instance of a troop that charged without their regiment. They were bid not to be too hasty.

The Protector did not complain of any danger in the petition, when he sent the letter and the remonstrance. The printed paper* says, he read it with all candour.

There is a "good old cause."† If their meetings be, to manage that, I shall not be against them; while their counsels are in subordination to you.

The soldiers sell their arrears at the same rate as debentures.

You deal with them as you do with the Quakers. Because of them, and because of these meetings, you must strengthen the hands of the single person.

I would have a Committee to confer with the other House.

Mr. Steward. I hope it will not be to your prejudice, to prevent their meeting, but for your and their service. Now they have represented their grievances, it must be considered what they meet for. It will concern you.

1. In your honour. The people rumour, as if they were a rod over your heads. Those are the people's apprehensions.

2. In your safety. It was said, your army was a balance. It is vain to endeavour to balance the other two estates. If a fourth estate, it is no balance at all.

3. For your service. That they may be better in their stations. Some of these are a hundred miles off. They may be more serviceable in suppressing the enemy in their own countries. I would have you transact with the other House in this; but not by way of a Committee. Pass this Declaration, and send it there for their concurrence.

Mr. Chaloner. The Protector is to govern by your advice. We have heard nothing of it. I hear commissions are granted. There is no such danger. It was said, when Colonel Bennet went out,‡ he went to fetch in the army.

Sir Arthur Haslerigge. When I have spoken my mind, I care not what becomes of me. This question is not for your

* See *supra*, p. 449, *note* †. † See *Ibid.* p. 388, *note*.
‡ See *Ibid.* p. 449, *note* *.

service at this time. I doubt here is more in the bottom of it than appearances. I wish it may tend to the peace of the nation.

It was cried, he had spoke.

I am sorry to see the spirit of this House so froward, as not to have patience to hear men speak. God will not bless it. There is great struggling without doors where the militia shall be. We hear there are endeavours to grant new commissions. How comes it, that you hear not of it? We go in the dark, and if we go suddenly about it, it may be a bloody vote. I will manifest it to the world, that I have no thing but the public good in my eye. If you be forewarned of it, and do not prevent it, I am discharged.

Let us take in the other House in this great business, lest you pass a vote that may destroy posterity. If ill consequences come, upon a sudden vote, let it not solely proceed from you, lest you bear the blame of all. I abhor all cabals without doors. I am not, nor ever was, of them. Let us have a conference with the other House, and some members of the army, to understand the bottom of this. I hear this general Council was called by his Highness.

Colonel Terrill. I have looked upon all transactions since 48, as upon a military power. I am as much against the imposing upon you, as any man; but I fear the like consequences as former votes of this kind have had. What power have we to enforce our votes? Be very wary of proceeding suddenly. Many of the other House are concerned, that know more than we. It does not appear that the army are under any command. I commend their submission. It is a loose army. They cannot be called to any account, as soldiers; but only as private persons. The great end of their meeting is but to choose their masters. I have no such fears as is moved. Therefore the Protector had power to name his successor, but not to name the general. I would have a consultation with the other House by a Committee. Your army is a loose army.

Colonel Birch. All the arguments against it make me for it. I would not have it a bloody vote, and therefore would

have it pass. You hear what their discourse is; who shall be their general, or whether they be under any command? Ill consequences will follow, if unobviated. They cannot but be bloody. That of the army's arrears; I wonder, when I moved it two or three times on Saturday, that the arrears might be included in your vote, those that were so much against it then, are now for it.

Such a paper I have in my hand as never was known. A paper signed by the foot soldiers of Pride's regiment, above three hundred.* Their meeting will be next.

Here are several officers. If they disliked this declaration, they would speak against it; but I hear none.

I desire that you would put it to the question. The paper was a printed petition directed to his Excellency the Lord Fleetwood, and signed by all the foot soldiers, &c. It was never done before: a very ill precedent. If officers begin, soldiers follow.

Mr. Annesley. There is no resentment in his Highness's letter, of the remonstrance, nor of their meeting. If they had not been called by him, why did not he take notice of it? This should receive our tenderness. Also, I would have your vote pass by authority. Let nothing go single. Have the concurrence of the three estates in it.

If you restrain public meetings, you must also private, wherein were more danger. If you send them into the country, before you settle where the chief command shall be, this may inflame them in the country, and infuse those principles that are sown abroad.

Let us not part with our share of the militia. The militia is going after the purse.† Refer it to a Committee presently to prepare a question that may save your share in the militia; that your claim may appear, and no implication be, that you intend to give it to another.

The question was put in the affirmative, that during the

* Six hundred and eighty. See *supra*, p. 388, *note*.

† Referring, I suppose, to the perpetual income of the Protector. See *supra*, p. 435.

sitting of the Parliament, there shall be no general council or meeting of the officers of the army, without the direction, leave, and authority of his Highness the Lord Protector, and both Houses of Parliament.

Sir Henry Vane then stood up.

Mr. Lobb standing up, he gave him way. He made a great deal of stuff against the question, and compared sending them to their stations with sending the Quakers home. It was an ill answer to their petition.

Colonel Allured. I cannot in conscience be silent. Will you put away your friends, and hug your enemies? First, purge your own House of Cavaliers.

Mr. Jenkinson and others moved to name them, or else give satisfaction to the House.*

Colonel Allured. I will name them, if you command me.*

Colonel Eyre and *Mr. Trevor* moved not to interfere at this time with the debate, but, according to the ancient orders of the House, to put it off till this debate was over, and let the expression be entered, and that gentleman will be concerned to name them in a fitter season. So it was waved.

Colonel Allured went on with his motion, and concluded for a conference.

Lieutenant-general Ludlow. I move, not to enrage your friends, and encourage your enemies. Many of the officers are solicitous about that purchase of the forests for their arrears.†

Sir Henry Vane. Those that know the danger better than I, haply may have more reason to press on this vote. This, it may be, is considered on before. I know nothing of it, and therefore must take measure by what is before me.

I am as much against councils without doors as any man. This council has been owned by his Highness. It is said, abroad, his Highness called them. If this general council

* Cooper, Annesley, and the other expectant courtiers of Charles Stuart, now his masked representatives in this Parliament, must each have been ready to expect the declaration, "Thou art the man!"

† See *supra*, p. 413, *note* ‡, *ad fin.*

had raised the single person to be their general, it had been, I doubt, too late for you to debate it here. Before you have determined any thing of the militia, for you to engage in such a vote, I know not what may be the consequence.

If the truth of the matter-of-fact were as represented, you would not be so forward in this vote. I heard it abroad, and from one in the Council Chamber, I am not able to name the person, that the occasion of calling together this council, was by his Highness, on purpose to try the officers if they would take commissions from him, exclusive of the Parliament.

Mr. Trevor and *Mr. Bodurda* moved that Sir Henry Vane explain those last words, of what he says he heard in the Council Chamber. To amuse the House at the end of a debate, with a report such as this!

Sir Arthur Haslerigge and *Lord Lambert* moved to ascertain the words before an order for an explanation. They had heard that Commissions have been offered to several officers.

Colonel Okey instanced in one Colonel (Briscoe) who told him that commissions were provided for him and his regiment.

Upon this the debate was waved. I question whether it will come on again.

Lord Lambert. This is a pitiful point. If so, I may say, what, disperse your friends!

He made a long motion against the question, to the same purpose that has been said.

Leave was given to Sir William D'Oyly and Sir Walter Earle to go out.

Mr. Solicitor-general. It is confessed there is danger if they had agreed who should be general. Certainly he* would not have told you this news, unless on good grounds. He says his Highness called them. I hear they were not called by him.

What can be the end of these meetings? If you suffer this, none knows what may come of it. You know what adjutators† came to. They were hard to be suppressed. We know not what may be at the bottom of these councils.

* Sir H. Vane. † See Mr. Godwin's *Commonwealth*, ii. 295.

If we cannot be obeyed in this, we sit to very little purpose. Let us give up the buckler.

I do not imagine but that they will obey. It is the greatest jealousy and reflection that may lie upon them. I cannot believe it. Such meetings as those have not been these eleven years. Surely such an extraordinary meeting must have an extraordinary end.

Mr. Godfrey. I am for the question, but not for the putting it now. (He instanced the case when the Israelites got Jeroboam to head them).

Tumultuous meetings and petitioning I am against. They are but colourable confusions at best. I hope this is not come to that height. When you have passed this vote, you can neither, in honour nor safety to yourself and the nation, recede from it.

I fear, in the consequence, it will prove an allowance of such meetings for the future. To obviate the mischief that may come upon Parliament hereafter, either adjourn the debate till to-morrow, or appoint a Committee.

Sir Thomas Wroth. Let us do like wise men; and make no votes but what we shall be able to give a reason for. I am such a fool that I cannot give a reason for it.

The question was put, that this question be now put.

Mr. Speaker declared for the *Yeas*.

Mr. ———* declared for the *Noes*.

The *Noes* went out.

Noes 87. Mr. Chaloner and Mr. Neville, Tellers.

Yeas 163. Mr. Boscawen and Colonel Rossiter, Tellers.

The main question was put and resolved.†

But, before the question was put,

Mr. Bodurda moved, that all the members might be called over.

They came down accordingly. Colonel Allured excepted, for the *Noes*; but he waved, upon the advice of Sir Arthur Haslerigge, and others.

* Blank in the MS.

† See *supra*, p. 457.

Mr. Bodurda. I move that you refer it to his Highness to put this vote in execution.

Mr. Swinfen. I move that you put the question, that none be capable of command in the army, until they have subscribed not to give any disturbance to the free meeting and sitting of Parliament.

Mr. Annesley seconded it.

Mr. Jenkinson. I am not against this vote; for it will appear upon your books, that these were the grounds of your former vote, lest you fear force upon you.

Mr. Stephens. For that very reason I am for the question. It is an undoubted breach of the privileges of Parliament for any councils whatsoever to meet, sitting the Parliament.

Colonel Allured. Some members have not right to sit here. I hope you will not restrain them from interrupting such.

Mr. Gerrard. It is not for any soldier to interrupt any member here, whether he have right or no. It must be the Parliament that must judge of that. I wish he would name them.

Mr. Turner. My reason why I was for this question was, lest we be interrupted. It is the talk all over that we shall not be long lived, and that Thursday next was designed for it.

Mr. Godfrey. I fear your vote amounts to a present cashiering of them, by those words "shall not subscribe;" add those words "shall refuse to subscribe."

Colonel Clark. You have no reason for this jealousy. That is the rage of a man. This diffidence of your friends ought to be avoided. Jealousy stirs up jealousy. I had rather have you suspect the Cavaliers. You must lean upon your army for the great part of your safety. A little spark may kindle a great flame. We have known what has become of small beginnings. Leave out the word "Navies."

Lord Falkland. If they mean us well, they will not disobey this. If they mean us ill, it is more than time we should know it.

The way to keep the Cavaliers out, is to ———* our friends. The army have done well, it is true; but we cannot but remember they have done ill; pulled us twice† out by the ears.

Mr. Chaloner. I move against the word "Navies." They are at sea and seldom come to land, but with sticks. Make your vote also, that they shall not obey the Chief Magistrate in giving any disturbances.

Mr. Scot. I have not confidence to give my vote without my reason; but it is not for your service to pass this question.

Resolved, that no person shall have or continue in any command or trust, in any of the armies or navies of England, Scotland, or Ireland, or any of the dominions or territories thereto belonging, who shall refuse to subscribe, that he will not disturb nor interrupt the free meetings in Parliament, of any of the members of either House of Parliament, or their freedom in their debates and councils.

Mr. Trevor. I move that his Highness be advised and desired to acquaint the officers with your vote, and that they would repair to their commands.‡

Colonel Birch. I move for a Declaration to be speedily brought in, to send the Cavaliers twenty miles from London.

Mr. Turner. The first thing you do, take care to pay the soldiers their arrears.

Captain Clayton. Take off the retrenchment of the pay of the common soldiers, which was taken off three years since.

* Blank in the MS. perhaps, secure.

† Probably referring to 1648 and 1653. See vol. ii. p. 85, *note* †.

‡ "Dr. Clarges" thus writes "to Lord Henry Cromwell," April 19, 1659.

"Yesterday, his Highness sent for all the officers of the army, and commanded them to their several charges, to which I hope they will give a ready obedience; but to-morrow was a day they had formerly appointed to meet; and some suspect they will, notwithstanding his Highness's commands or our votes, but I hope and believe the contrary." See "Thurloe State Papers," vii. 658.

Lord Falkland. I move that Colonel Allured name the persons, &c.*

Mr. Bodurda. I move that Mr. Stephens, who moved this first, may carry these votes to the other House for their concurrence.

Resolved; that the concurrence of the other House be desired to these votes; and that Mr. John Stephens do carry the same to the other House for their concurrence.†

Mr. Trevor. I move that you do justice to the army, by taking speedy course for the arrears of the army, and providing something for their present subsistence.

Mr. Scot. I move that your Speaker forbear the Chair; and let nothing intervene, if you intend to have any fruits of your Grand Committee.

Resolved, that this House will take into consideration, to-morrow morning, how the arrears of the armies and navies may be speedily satisfied.

Mr. Hewley. It is said we have disappointed our friends, and encouraged our enemies.

I rise to second that motion, that a Committee be ap-

* See *supra*, p. 457. *De te fabula narratur*, would have been a suitable answer to this demand. See vol. iii. p. 25, *note*. Yet Lord Falkland, [*supra*, p. 449,] could perceive and reprove "the impudence" of the council of officers!

A few days after this daring motion of his Lordship, a spy and agent of Charles Stuart, in London, "Mr. Broderick," thus writes, "to the King, May 4, 1659.

"I am employed by my Lord Falkland, Mr. Howe, Mr. John Talbot, Ralph Delaval, and many others, who intend to rise in Oxfordshire, Gloucester, Warwick, and the north, to negotiate for them, and to procure from time to time your Majesty's orders; which, with all loyalty, they will obey." See "An Original," in "Clarendon State Papers," iii. 461.

† "Dr. Clarges to H. Cromwell, April 19. I am told, the other House was in a great consternation upon receipt of these resolutions of ours, and were so high, as many moved to lay them aside; and it was carried but by one voice in the contrary, which I somewhat admire; for without doubt, if they disagree with us in these, a farther transaction may be doubtful." See "Thurloe State Papers," vii. 652.

pointed to prepare a Declaration to require all the Cavaliers to go twenty miles out of town.

Colonel Clark. I would not have the army and the Cavaliers linked together. I am for the question; but put it off two or three days.

It is time to put a stop to the Cavaliers. Sir John Carter, was shot in the shoulder last night by a crew of them.* This is like kissing one's mouth, and biting off the nose.

The House being informed that divers that have been in arms against the Parliament, and other dangerous persons, have resorted of late to the City of London and parts adjacent.

Resolved, that it be referred to a Committee, to propose some effectual way how his Highness, the Parliament, and the nation, may be secured against any attempt from them. *viz.* Colonel Birch and twenty-eight more,† or any three of them, to meet this afternoon in the Speaker's Chamber at six.

Resolved, that it be referred to Mr. Serjeant Maynard, Mr. Attorney-general, and Mr. Solicitor-general, to prepare and bring in a Bill for the indemnifying of such persons as have served the Commonwealth.

The House sat till almost five o'clock: so that no Committees sat, save that in the Speaker's Chamber, to prepare a Declaration against the Cavaliers staying in town.

The Committee for lame soldiers met. Lord Fairfax, T. B., and others, and adjourned till Wednesday, at three.

* In "the humble representation and petition of the field-officers and captains of the several regiments of the trained bands of the City of London, presented to his Highness, at Whitehall, April 20," they complain of "that late desperate pistolling of an honourable member of the present Parliament. *Mercurius Politicus*, No. 563, p. 381."

† Among these were Sir Henry Vane, and those "good men and true," Mr. Bodurda, Mr. Edward Turner, Lord Falkland, Sir George Booth, and Mr. Annesley.

Tuesday, April, 19, 1659.

Resolved, that all bonds taken of English merchants for any duty to be paid by them, by virtue of the late Act of Parliament, giving license for transporting fish in foreign bottoms, for any fish laden by any such English merchants, lading any fish in the bottoms of this Commonwealth, and manned with the people of the same, be made void, and delivered up to the respective persons, who have entered into any of the said bonds, their heirs or assigns, to be cancelled. And that all recognizances entered into his Highness's Exchequer, by any persons, upon any writ or writs of delivery, issued out of the said Court, for restoring any fish, or ships laden by English merchants, in any of the bottoms of this Commonwealth, and manned with the people of the same, for non-payment of the duty by the aforesaid Act, appointed to be paid by Englishmen, be likewise made void and cancelled.

Mr. Annesley reported from the Committee appointed to attend his Highness, touching Lady Worcester; that his Highness was pleased to give the Committee this answer; that he assured him the House had considered of her interest, and that himself was therewith satisfied, and did take notice of the orders; and would give speedy direction for her satisfaction accordingly.

He also reported from the Committee appointed to propose an effectual way for security against the Cavaliers. A Declaration requiring all such persons to depart the cities of London and Westminster, and late lines of communication, by the space of twenty miles. The which was read first intirely; and afterwards, in parts.

The preamble was first read, and upon the question, assented unto.*

I came late, and found the House in debate upon the Declaration to send the dangerous Cavaliers twenty miles out of London, till the 20th of October.

* MS. and *Journals*.

Several amendments were offered to it. Some offered that in case of their contempt of the Declaration, they might forfeit a third part of their estates; but all this was waved, and a great deal more.

Some thought it was very wide, and too loose. Sir Arthur Haslerigge and Sir Henry Vane, never meddled in it. Mr. Annesley was the most active; but to qualify.*

While this was in debate, Mr. Stephens, accompanied with about thirty or forty members, went to the other House, for their concurrence to the votes passed yesterday, touching the meetings of the officers.

We were presently called in by the Usher of the Black Rod; and the Lords came to the bar after the same ceremony, as before.

Mr. Stephens opened the votes, how that the knights, citizens, &c. took notice of the general meetings of the officers, and had made these votes against them, which he read and concluded "whereunto they humbly desire your concurrence."

This word "humbly," was a little too far, and too many legs were made.

Mr. Grove did manage his message otherwise.

We were presently called in again, and received this answer from them, that they will take the same into consideration, and return an answer thereunto by messengers of their own.

Mr. Stephens reported this answer from the other House.

It seems they put it to the question, whether it should be debated; and it was resolved to be debated, and carried but by one vote. Else it had slept I know not how long.

Resolved, that this House doth agree to this Declaration, as amended.

Resolved, that this House do determine of, and give their judgment in, the cause between Mr. Henry Neville, and Mr. Strowde, late Sheriff of the County of Berks,† on Saturday next.‡

* To disguise his engagements for Charles Stuart, is probably here intended.

† See vol. iii. pp. 51—54.

‡ This Parliament expiring on the previous day, the cause was

Sir Arthur Haslerigge reported from the Committee of Trade.

Resolved, that, after the ending of this present week, the Grand Committee for Grievances and Courts of Justice, do sit on every Thursday, and on every Friday, in the afternoon, weekly; and that the Grand Committee for Trade do sit and meet, on every Wednesday, in the afternoon, weekly.

Mr. Scawen reported from the Committee for inspecting into the accounts and revenue of the Commonwealth, a collection of what debts are owing to the Commonwealth, and of money in cash, and of monies received by the Treasurer of the Navy, for the supply of this year's service out of the Customs and Excise, unto March 25, 1659, and since the report delivered in to the House, from the same Committee of the debts of the Commonwealth, which sum of money will lessen the debt of the Commonwealth for so much as they come unto. The which Report was delivered in writing at the table and read.*

Resolved, that this paper of debts owing to the Com-

brought before the restored Long Parliament, June 3rd and 4th, and by them referred, Jan. 27, 1659-60, "to be heard and determined by the Judges and Barons of the Exchequer." See *Journals*.

	£.	s.	d.
* "By the Farmers, Sub-Commissioners, and others, employed in the Excise, from the year 1649 to the last of March 1659	41,761	19	2
"By the Farmers of the Excise of Beer and Ale, and inland commodities, due March 25, 1659	150,704	14	8
"By Mr. Noell, upon his farm of the Custom of Sea-Coal, due March 25, 1659	12,000	0	0
"By the Compounders for new buildings	46,254	9	5½
"By Receivers-general, by estimate, due March 25, 1659	25,000	0	0
"By Monies paid out of the Customs and Excise, to the Treasurer of the Navy, before March 25, 1659	70,229	6	1¼
"In Cash, in the hands of the Treasurer at War	3717	18	0
"In Cash, in the hands of the Customers on March 25, 1659	9272	7	5½
"The whole sum	358,940	14	10¼

Journals.

monwealth, be referred to the consideration of a Grand Committee of the whole House; who are also to consider how the arrears of the Armies and Navies may be speedily satisfied.

Resolved, that the House be forthwith resolved into a Grand Committee to consider of the premises, and also concerning the particulars and the accounts reported by Mr. Scawen on Saturday last,* and other particulars.

Mr. Speaker left the chair.

Mr. Reynolds took the chair.

Mr. Speaker resumed the chair.

Upon the report of Mr. Reynolds,

Resolved, that the Grand Committee of the whole House have leave to sit upon the business referred to them, to-morrow morning, at eight o'clock, and that Mr. Speaker do then forbear coming to the chair until eleven o'clock; till which time the House is adjourned.

The House rose at one o'clock.†

The Committee of Privileges sat.

Mr. Hewley was in the chair.

It was upon the business of Southwark, between Thompson and Lenthall, and a brewer, Colonel Rich and others; a very foul election. Thompson sits, the brewer is dead, Lenthall's election voted null, and so I think will the whole be.

Baynes managed it for Rich. Mr. Hewley tells me Baynes is a most plundering fellow.

The Committee for Mr. Serjeant Wylde against Lord

* See *supra*, p. 447.

† Dr. Clarges thus writes to Lord Henry Cromwell, April 19, 1659:—

"Doctor Petty [see *supra*, pp. 247, 248] this day sate in the House, and upon Thursday next he intends to give a general answere to the charge against him. I have made many of our steadiest men favourable in their opinions of him, and am not much diffident of our good successe, to which all my endeavours shall be contributed." See "Thurloe State Papers," vii. 658.

Colonel Bampfylde to Secretary Thurloe, April 19, 1659:—

"I told your Lordship concerning the listing of some of the levelling party. I am confident it is true. I have put one to get in amongst some of them, in Southwark, to discover what he can; and I shall give you an account thereof." *Ibid.* p. 659.

Widdrington* sat in the Inner Court of Wards, and heard Wylde's title.

Mr. Bacon was in the chair.

The Committee for ministers' maintenance† met and adjourned till Thursday.

The Committee for Wales‡ sat in the Exchequer Chamber.

Lord Lambert's Committee§ sat in the Court of Wards.

Wednesday, April 20, 1659.

The term began. I was to see Captain Lister, and Cousin Ja: in Fleet Street, Mr. H. not come thither, was expected last night. I visited the Countess of Hatton, and Justice Lowther's widow.

This morning the House was in a Grand Committee.

Mr. Reynolds was in the chair.

Query, what was done.‖

The other House sat till six at night upon debate of

* See *supra*, p. 438.

† See *ibid*, p. 421.

‡ *Ibid.* p. 327.

§ *Ibid.* p. 309, *note* †

‖ "Upon the report of Mr. Reynolds, from the Grand Committee, concerning the revenue and debts of the Commonwealth,

"Resolved, that it be referred to the Committee for Inspecting the Accompts and the Revenue of the Commonwealth, to consider how the several debts mentioned in the accompt, stated March 30, 1659, amounting to 41,761*l.* 19*s.* 2*d.* due and owing by the Sub-Commissioners and Farmers of the Excise, may be forthwith brought in, and paid into the receipt of the Exchequer.

"Resolved, that the House be resolved into a Grand Committee, on Friday morning next, to take into further consideration the matters referred to a Grand Committee, concerning the revenue and debts of the Commonwealth." *MS.* and *Journals.*

Westminster, April 20. The House spent most part of the day in a Grand Committee, about the raising of monies for the public occasions of the Commonwealth." *Mercurius Politicus*, No. 563, p. 383.

the two votes sent up yesterday,* and adjourned till to-morrow.

It seems they were yesterday divided, whether it should be debated or no, and it was carried in the affirmative, but by one vote, and that, as it is said, mistaken.

The officers met at Wallingford House,† but presently adjourned. No members of this House there. Query.

The Committee of Grievances sat.

Colonel Terrill was in the chair.

The Committee for maimed soldiers‡ sat in the Inner Court of Wards.

T. B. was in the chair till six.

Committee of Lord Arundel§ in the Star Chamber.

Committee of reduced officers in the Speaker's Chamber.

Thursday, April 21, 1659.

I came late, and found the business of the militia in debate.

It seems Dr. Petty had made his defence to the charge, and Sir Jerome Sankey his reply.

Dr. Petty did, first, in general, deny all the articles, and then, particularly made answer to every one of them; denying the charges in every one of them severally. He desired that he might have a charge brought in against him, in particulars, that he might be thereby enabled to vindicate himself, effectually.

Sir Jerome Sankey instanced in some certain particulars, which he supposed would make good the first, second, and third articles of the charge,‖ brought in by him against Dr. Petty.

* See *supra*, p. 465. † See *supra*, p. 453, *note* ‡.

‡ See *supra*, p. 463. § See *supra*, p. 389.

‖ Dr. Petty published, in 1659, "A Brief of Proceedings between Sir Hierome Sankey and the Author, with the State of the Controversy

He farther informed the House that, whereas Dr. Petty ought to have returned all original maps, field-plots, and field books relating to the lands in Ireland, and belonging to the office of the Surveyor-general in the Exchequer at Dublin, according to the Act of Parliament in this behalf, he had only returned transcripts of them, and keeps the originals himself, in his own hands.

Dr. Petty informed the House that the particulars in his hands were foul books and papers, out of which those he had returned were extracted; but that he should be ready to deliver them as the House should give direction.

Resolved, that this business concerning Dr. Petty be resumed, and be farther heard on this day se'nnight, and that Sir Jerome Sankey do then bring in a particular charge in writing against Dr. William Petty.

That it be referred to the Lord Lieutenant of Ireland, and the Council there, to take care that all the original plots, field-books, and books of reference relating to the lands in Ireland,

between them. According to *Wood*, "the articles then put up against him, relating to his actions in Ireland," were:

"1. That he, the said Dr. Petty, had received great bribes.

"2. That he had made a trade of buying Debentures, in vast numbers, against the statute.

"3. That he had gotten vast sums of money and scopes of land, by fraud.

"4. That he had used many foul practices, as Surveyor and Commissioner for setting out lands.

"5. That he and his fellow-Commissioners had placed some Debentures in better places, that they could claim, denying right to others.

"6. That he and his fellow-Commissioners had totally disposed of the army's security, the debt still remaining chargeable on the State.

"All which," adds *Wood*, "were, according to the said 'Brief of Proceedings,' cleared by Petty."

Dr. Petty also published "Reflections upon some Persons and Things in Ireland, by Letters to and from Dr. Petty: with Sir Hierome Sankey's speech in Parliament," 1660; "written" says *Wood*, "mostly against his busie and envious antagonist, Zanchy." *Athen. Oxon.* (1692,) ii. 403.

in the hands or custody of Dr. William Petty, be, at the same time, certified here, and secured according to law.*

MS. and *Journals.* The Parliament being suddenly dissolved, the next notice of this affair is in the following passage, which I copied from the original, signed "William Petty, Nelson, 5th May, 59," and addressed to "the Lord Lieutenant," Henry Cromwell:—

"Sir Jerome being now a very great man, and one of the Committee of Safety, did, in a manner, command me to stay, declaring his pleasure to have me prosecuted another way. Nevertheless, when nothing else hindered, I came from London without his leave.

"I hope I shall be permitted to proceed with my vindication at Dublin, if this be a time for any particular business, less than the preservation of the whole." *Lansdown MSS.* 823, No. 357.

"Soon after Dr. Petty went back to Ireland, endeavours were used to prosecute him, and he was removed from his public employments." Yet Henry Cromwell, upon Dr. Petty's "return again shortly into England, in June, 1659," thus writes, by him, to a friend:—

"The bearer, Dr. Petty, hath been my Secretary and Clerk of the Council, here in Ireland, and is one whom I have known to be an honest and ingenious man. He is like to fall into some trouble, from some who envy him. I desire you to be acquainted with him, and to assist him, wherein he shall reasonably desire it. Great endeavours have been used to beget prejudices against him; but when you speak with him, he will appear otherwise." See Dr. Ward's "Lives of the Professors of Gresham College," (1740,) p. 220.

The last notice of this affair, is an order of the restored Long Parliament, "July 12, 1659, that the articles presented against Dr. William Petty, by Colonel Jerome Zankey, be referred to the Commissioners for managing the Government in Ireland. See *Journals.*

Dr. Bates thus describes the nature and the success of Dr. Petty's ingenious and then, probably, novel contrivances, for measuring the lands in Ireland:—

"Ille tredecim intra menses, Hiberniam totam, quantum ad latifundia publicata, in se recepit geometricè metiri, singulisque assignare suam portionem, et reverâ perfecit.

"Sortitus enim varios ad instrumenta conficienda, eósque peritissimos, artifices, opus metatorium, in quinque vel sex partes diremit, unicuique accomoda subministrans instrumenta; docuitque sagaciores homines suæ quemque parti incumbere. Ille autem ab unoquoque allata per se et sedentarius potuit componere, et de eo judicium ferre.

"Isto pacto, ad quinque milliones aut suprà jugerum Anglicanorum commensuravit; atque ope Catenæ aliorumque organorum centum mil-

Major Beake had moved that the militia be declared to be in three estates, and that his Highness take care of it.

Mr. Annesley seconded that the militia be declared to be in the three estates.

Sir Arthur Haslerigge. It is fundamentally in the people, and ought to be debated in a Grand Committee.

Sir Henry Vane. This* is giving the quarrel that you had with the late king.† It is properly moved for a Grand Committee; and to appoint a day. If you will not do it in a Grand Committee, take it up to-morrow. The business of the legislative is not now in dispute; but the executive power.

Mr. Bayles. The two last gentlemen moved that which will bring you into a maze for ten days, till the nation and the House be about your ears.

I expected an answer to be given to the arguments for settling the militia, as it is moved; but I hear nothing of that.

Mr. Neville. The general, that is dead,‡ stood up in that place, and urged unanswerable reasons why the militia should not be in one single person.§ If this had been then denied, we had not been here. I am against the present debate; but to put it for a Grand Committee. This is to make way for the Cavaliers.

lia milliarum percurrit, quantum orbi terrarum quinquies ambiendo sufficeret. Sic tota in suas partes diribita est Hibernia, et quilibet suum dimensum sortilegio obtinuit." *Elenchus,* (1676,) p. 186.

(He engaged to measure, geometrically, in thirteen months, the whole of the forfeited estates in Ireland, and to assign his portion to each claimant, and this he effected. He divided the survey into five or six parts, assigning to each the proper instruments, which he had procured from several skilful artizans. He then taught some ingenious persons how to proceed in their different departments; communicating to him their results, which he could examine and compare at home. Thus he measured five millions or more of English acres, and by the help of a chain and other instruments, he ran over a hundred thousand miles, five times the circumference of the world. Thus is Ireland partitioned, and every one obtains his share according to lot.)

* Subjecting the militia to any controul, but that of the Commons.

† See vol. ii. p. 435, *note* *.

‡ *Magni nominis umbra.*

§ Mr. Neville was, probably, an auditor of the debate. He was not elected to the Long Parliament, till Feb. 1649-50. See *Parl. Hist.* (1763,) ix. 15.

Mr. Raleigh. He that has the sword will be Chief Magistrate. The safest way is to pass this power into the Protector and the two Houses of Parliament. All Commissions in the country were from the Chief Magistrate.

Colonel White. Your question comprehends the whole matter. Do not leave this thing without settling it so as that it may not be liable to future exception.

All Commissions in the country were a mere usurpation of the Chief Magistrate; but were anciently granted in Parliament.

If you pass this question, I may say as a worthy gentleman in another case, you establish his Highness to all intents and purposes.

Mr. Higgons. There is a necessity of concluding this debate before you rise. Peace with France and Spain, say our letters, is ratified.

If you divide those two powers, general and protector, I shall deal faithfully with you, I had rather have him genera than Chief Magistrate. Doges of Genoa and Venice are Chief Magistrates, but have it but as a mere power. One cannot stir out of doors without leave. The other is for two years.

Lord Falkland. I am for a Grand Committee. I have heard of the Gordian knot. If we part with the sword, we can never loose the knot. It is all we have left, put it not out of your hands.*

Sir Walter Earle. The way to keep it, is to put it as is moved. Some others abroad† seem to arrogate the militia to themselves. It is time to look about us. I own the Petition and Advice.

Lord Lambert. There is much of that point in this question, whether we shall be Englishmen or not Englishmen. It is told you, it is not a putting it away but taking it in. It is a putting it out of your hands.

This House is a fluid body that is gone. So the other may be likewise gone; and then the single person has it.

* "The *mask* must *drop*, the farce must end." See *supra*, p. 462 *note* ‡

† Probably referring to the Council of Officers.

Consider, first, how it shall be executed in the intervals; that where you leave it you may be sure to find it.

It is worthy taking into such consideration, that every man that is here may fully speak his mind in a Grand Committee. Turn not away, thus, the precious prerogatives of the people. The votes you have already passed, have gone a great way.

Mr. Knightley. *Qui bene distinguit, bene docet.* You must distinguish the militia as an army, and as settled in the country gentry that had lives and fortunes to answer it. The Parliament raised the army. Lord Fairfax was general, then. He that is *imperator* may be *dux*, but to run suddenly on this, we may repent. It is said by a gentleman, he would choose him general before protector. Therefore, consider it better. Settle it not so, as to be forced next week to alter it. Consider it in a Grand Committee to-morrow.

Mr. Turner. The present time is yours: but whether to-morrow is yours, or no, is not known.

It is fit every man should say what he knows. It was our ancestors' prudence never to determine this question. It was not to be altered, but by Act of Parliament. The single person could not intermeddle, alone, to call any out of the county.

You may assert where your militia is now, but not where it shall be. The city, by a jury of twelve, have determined who shall be general. Another meeting at another place, will name you another.

It behoves you to determine this point; that his Highness may execute due authority this present Parliament. I would therefore have it quickly determined. I would have, therefore, every man to know what he speaks, and speak what he knows.

Mr. Trevor stood up to speak, but

Lord Lambert moved that Mr. Turner explain who he meant by the twelve that had agreed of a general, and wished he might name them.

Mr. Turner explained that twenty-five officers of the militia in the city met, and thirteen carried it against twelve.

Mr. Bayles explained to the same purpose. There was a petition to the Lord-General Fleetwood, and, with much ado, an address to his Highness that such a person be general.

Major-general Kelsey. It is fit that every man should speak what he knows. That gentleman, meaning Mr. Turner, speaks more than he knows.

Mr. Starkey. Seeing that gentleman knows it better, let him speak what he knows.

Mr. Lloyd. That is a mistake. What is done, is not done by the militia of the city. The case is sad, what is done. I heard, that no authority has been given to it, since the Protector's death. I have heard it often stirred, who shall give commissions. Some say the power is dead with the Protector. This can give none. If distraction come, who shall head us? Let us not flatter ourselves. Consultations are held without. Some, in power, have the ammunition in their power. You have to-day, but are not sure of to-morrow. If you command me, I shall tell you what they have done. I would have a speedy course taken, for some to grant commissions.

Colonel Rigby. I hope the soldiery about town will not meddle in your affairs. This is a business of the greatest weight that ever came, or will come before you. Let it, therefore, be adjourned till to-morrow morning, and debated in a Grand Committee.

Lord Falkland. I would have the person named that was resulted by the jury in London, to be general, that he be made exemplary, lest you be a mock.

Mr. Annesley. Divers members of this House are of that militia. I would have them tell what they know. I doubt there is cause for some such jealousy; that we shall be imposed upon, as formerly, and divers taken out and a few sitting.* I would have you first resolve, that none shall impose upon you from without doors.

Mr. Biddulph. The militia of this city was never summoned. I am one, and had no notice. There were twenty-seven of the militia met. There were thirteen for these papers that have been brought up, and twelve against them.

* This Speaker's name appears in the list of the Long Parliament, without any note of disability or seclusion. See *Parl. Hist.* (1763,) ix. 56.

I am assured that neither the city, nor the militia of London, will intermeddle with any affairs of this House. It was cried, "name him."

Mr. Hewley. It is not enough to declare that you will not receive imposition from without doors. You must do somewhat else.

To have this militia every where, is to have it nowhere. Two suns cannot shine in one firmament. The longest sword will determine it. It is not fit to set the executive and the legislative power to quarrel with one another.

We give his Highness, by this vote, only authority, *hac vice*, to give commissions. We do not settle it upon him, absolutely.

Lord Falkland. While you are disputing about who shall be the general, you hear they are setting up another in the city. I would have him named, that if it be real, we may remedy it; if but a brag, learn it, that it may not fright us.

Mr. Solicitor-general. Your militia, nor negative voice, never was your quarrel. It was never disputed that it was in King, Lords, and Commons; but wise men have not meddled with it. That it was in the two Houses, without the single person, or *contra*, would never be granted. Wherever the legislative is, the militia is; but yours is the case of distribution, as who shall lead your army and grant commissions.

It is for your service to consider who, for the present peace and security, shall command your army; and whether this to be from the Protector and both Houses of Parliament, and to receive orders from all. This ought speedily to be done, and then consider the person.

I went out, and presently after the House was divided upon the question, whether the question be now put that this debate be adjourned till to-morrow morning.

It was carried in the negative by 152 to 115. Sir Arthur Haslerigge and Mr. Trenchard were Tellers for the *yeas*.

Sir Charles Coote and Major-general Browne were Tellers for the *noes*.

Resolved, that the matters now in debate be adjourned for an hour.

Resolved, that Sir William D'Oyly shall have leave to go

into the country for a month, notwithstanding the calling of the House.

Thursday Afternoon, April 21, 1659.

Mr. Speaker took the Chair at three.

The Declaration for excluding the Cavaliers was read, and ordered to be ingrossed; and the consent of the other House to be desired.

There was a debate about the title of it; whether "the Parliament," or "both Houses of Parliament." Resolved the latter.*

The order of the day was read, touching the debate adjourned; but it mentioned not what the debate was. Query, if regular; but the clerk said the Speaker would not enter it otherwise.†

Mr. Serjeant Wylde made a long speech, against placing the militia in a single person; not much heard, and less regarded.

Lord Falkland. The militia to our ancestors has always been a secret of state; and they would never define where it was. To prevent the fire that will be kindled amongst the pretenders, who will all inforce their title the best they can, appoint commissioners to manage this business.

Sir Robert Goodwin. In determining this, you determine

* "The declaration for securing his Highness and the Parliament and Commonwealth, (passed on Tuesday last, in parts; and amended in several places, upon the passing thereof, and then assented unto;) being writ out fair in paper, according to the amendments then agreed to; was this day again read.

"A title to be prefixed to the same declaration was offered in these words; viz. 'A Declaration of his Highness, the Lord Protector, and both Houses of Parliament, for the security of his said Highness, and the Parliament, and of this Commonwealth.' The which, being read, was, upon the question, assented unto.

"Resolved, that this declaration be ingrossed." *Journals.*

† "The House resumed the debate." *Ibid.*

the whole business of this Commonwealth. To make this haste, swerves from all form of proceedings in former times. Other then in a Grand Committee this cannot be debated. We took an oath to conserve the liberties of the people; and to pass this suddenly!

Colonel Allured and *Mr. Edgar* were for a Grand Committee, and could not so forget the old cause as to put it out of our hands.

Mr. Drake. Endeavours have been, before we met, to wrest the militia out of the Protector's hands; now to wrest it out of yours, by a sort of men without doors. I would have it declared, that the power of disposing the militia is in the Protector and the two Houses of Parliament.

Mr. Stephens. It has been told you, while you are debating about it, others are wresting it out of your hands.

I apprehend it is not the question that you are going about, to settle the militia in the single person. That were more fit for a Committee. But it is far from that. There is the raising of the militia, and the executive power of the militia, which cannot be safer than in the Protector and the Parliament; for if it be not so, then it must be in some other.

If you please, declare that the power of executing of it shall be in such persons, and no other than such, as shall be approved by this House. I fetch my authority from the book of Edward the Confessor's time.

I shall give my vote that the militia be in the Protector and both Houses, to be executed by such persons as shall be approved of by this House. This does neither narrow our own power, nor exclude the other House.

Mr. Scot. This looks like Hezekiah's will, "put thy house in order, for thou shalt die and not live."

The Protector, "so named," is but *de bene esse;* and until you have bounded him, nothing is binding to the people. The case is, you are going to give the Chief Magistrate a negative in the militia, and so, his will be an executive power, both on the legislative and the militia. If he would

lie down and wish, he could not wish more. I think you are not ripe for such a resolution.

If he want any money, or that the Excise and Customs stick by the way, he will be able, at any time, to inforce them. The last Parliament gave away 1,300,000*l.* *per annum*, and you give away the militia. To a son of Adam, a greater power than ever king had, you are giving away; the Trojan horse with more arms in it than ever were in that horse.

Lord Marquis Argyle. I hope the Parliament will be so wise as to give no more nor less than is necessary.

I was here in 46, in your service. The proposition that you agreed on was, that the King would grant the militia to be disposed of by both Houses, without him, for twenty years. I think the question was then about the executive power of the King singly, without the House, and that brought on the war.

If granted, put a very good salvo in your vote. If you vote the militia to be in the Protector and the Parliament, add "to be disposed of as you shall direct, as to the executive power;" and so you determine it, not where the executive is.

Sir Henry Vane. At that time the Scotch Commissioners did assert the right of the King in the militia; and if you please to read the Declaration, you will find upon what account that Declaration was published.

Mr. Starkey. I am against reading the Declaration. Men were then divided in their judgments, as well as in the field; therefore, I should hardly rest my judgment upon those things that were begotten out of controversy. I will not say, but I went along with it; yet I would not have such things for your rule now, lest it lead farther.

The first question about the militia was, that it was in the King, and that raised the difference; but we are not at that now. We are gaining and settling it in us, which is an advantage for the people; and it had saved a great deal of strife before, if this had been granted, that it is in the Protector and the two Houses of Parliament.

The Declaration was going to be read. It was long.

Mr. Godfrey. I move against reading it; as, by the same reason, you may read all Declarations, and what passed in the Long Parliament, and debate them, which will be endless.

The quarrel never was on the militia, but only on bringing delinquents to punishment. It was his duty by the law of God and man to assist in their punishment, which he neglected, and that was a great part of the quarrel.

Constantly, the legislature has been executed by the three estates. I do not know that it will be safe, nor possible, nor rational, to separate the militia from the legislature. If the legislature of the militia be in one single estate, then all is there. I am not able to reconcile this difficulty, that it is possible to separate the legislature of the militia from the legislature ——— *

All powers on earth are temptations; therefore, must no man be trusted with the power? The three estates are not free from temptations. All is misrepresented in the debate. It is not once moved, that the power shall be in the single person. Farewell magistracy, and all rule and government! Men must therefore have no trust. This takes in pieces your whole form.

Any gentleman may recite the Declaration. If I quote an author, must I bring the book, and desire you to read it, if it be so? Every man that lives under a law is supposed to be knowing of it.

I much fear you have not leisure, actually, in a Grand Committee, to determine this. If all be true that is said, while you are debating it, another without doors will get it. Strange pamphlets fly abroad directed to persons without, in a subordination, mentioning to live and die with him. These are high and dangerous things, and these are printed without your allowance. I am afraid of the consequence.

This calls for a speedy advice and resolution. When the balance comes between being, and well being, I must lay it more to heart. There is more need than I can understand

* Blank in the MS.

and haply approach to, to put this off your hands, by putting the question.

Sir Walter Earle. First determine whether all Commissions are void by the death of the Protector; and then, consider where to place your militia.

Mr. St. Nicholas, and divers more, moved for a Grand Committee.

The Declaration* was read; and then another Declaration.

I went away at five, to Justice Lowther's funeral. Query, what was done?

The House sat till six, and the other House till then; but I believe neither came to a question: only adjourned the debate till to-morrow morning.†

The Committee for Northern Ministers met, and adjourned till Saturday.‡

* April 17, 1646, occasioned by the papers of the Scotch Commissioners. The Commons ordered four thousand copies to be printed, "and that the knights and burgesses do take care that they be forthwith sent down and published in the respective counties and places for which they serve." See *Parl. Hist.* (1755,) xiv. 347—354. The passage to which Sir H. Vane referred, (p. 479,) must have been the following:—

——— "our intentions are not to change the ancient frame of government within this kingdom, but to obtain the end of the primitive institution of all government, the safety and weal of the people; not judging it wise or safe, after so bitter experience of the bloody consequences of a pretended power of the militia in the King, to leave any colourable authority in the same, for the future attempts of introducing an arbitrary government over this nation, and protecting delinquents, enemies of our religion and liberties, by force, from the justice of the Parliament, the first and chiefest ground of the Parliament's taking up arms in this cause." *Ibid.* p. 352.

† "Resolved, that this debate be adjourned till to-morrow morning, at eight of the clock, and that the same be then resumed; and that nothing else do then intervene." *Journals.*

‡ Here Mr. Burton's MS. finally closes. All that can now be recovered, respecting the proceedings on the last day of this Parliament, I subjoin from the *Journals*

Friday, April 22, 1659.

Prayers.*

The House taking notice, that some of the members of the House went out of the House; it was

Resolved, that those gentlemen, members of this House, who now went out of the House, be called in again, to give their attendance in the House.

Resolved, that none of the members of the House, do depart out of the House, without the leave of the House.

Resolved, that all strangers be commanded forthwith to depart out of the lobby, or outward room, before the Parliament-door; and that none but such as are members of the House be suffered to come in; and the door of the said outward room be kept shut.

Resolved, that this House be adjourned until Monday morning next.

The House adjourned itself until Monday morning next, at eight o'clock.

Westminster, April 22.

This day, by a commission under the great Seal of England, the Parliament was dissolved.†

"By the Lord Protector,

"A Proclamation about dissolving the Parliament.

"Whereas, we summoned our high court of Parliament, to

* For the first resolution, for remuneration to the chaplain, see vol. iii. p. 17, *note*.

† The circumstances immediately connected with this dissolution are thus described by *Ludlow*, commencing April 21, and serving to supply the deficiency of the Journals on the confusion evident from the aforesaid resolutions:—

"About noon, Colonel Disbrowe went to Mr. Richard Cromwell, at Whitehall, and told him, that if he would dissolve his Parliament, the officers would take care of him; but that if he refused so to do, they would do it without him, and leave him to shift for himself. Having taken a little time to consider of it, and finding no other way left to do better, he consented to what was demanded.

assemble and meet together at our City of Westminster, the twenty-seventh day of January last, which hath continued until this present day: And, whereas, we did, by our commission under our great seal of England, bearing date at Westminster, this present twenty-second day of April, for divers weighty reasons, declare our pleasure and resolution to dissolve the said Parliament, and to that end did thereby constitute and appoint our right trusty and right well-beloved counsellor, Nathaniel Lord Fiennes, one of the Lords Keepers of our Great Seal of England, and others, our commissioners in our name, this said present twenty-second day of April, to dissolve our said Parliament, which was by them done according to the tenor of the said commission, in the usual place; and by virtue thereof our said Parliament is absolutely dissolved. Nevertheless, we have thought it necessary, with the advice of our Privy Council, by this our proclamation, to publish and make known the same, to the end all persons whom it may concern may take notice thereof.

"Given at Whitehall, the twenty-second of April, in the year of our Lord, 1659."*

"This great alteration was made with so little noise, that very few were alarmed at it. The next morning, the House met. Few knew of the resolution taken to put a period to them; or, if they did, were unwilling to take notice of it; so that, when the Usher of the Black Rod, who attended the other House, came to let the Serjeant-at-arms know, that it was the pleasure of the Protector, that the House of Commons should attend him at the other House, many of them were unwilling to admit the Serjeant into the House, to deliver the message; but the Commonwealth party demanded and obtained, that he should give the House an account of what the Gentleman of the Black Rod had said to him.

"The Assembly, being under this confusion, adjourned themselves till eight of the clock, the next [Monday] morning; but care was taken to prevent their meeting again, by publishing a proclamation, declaring them to be dissolved; by setting a padlock on the door of the House, and by placing a guard in the Court of Requests, with orders to refuse admittance to all those who should demand it." *Memoirs*, (1698,) ii. 641, 642.

* *Mercurius Politicus*, No. 564, p. 391.

This exertion of prerogative, on the policy of which his counsellors had disagreed,* was almost the last public transaction during the Protectorate of Richard Cromwell. He removed, in a few weeks, from the palace of Whitehall; and returned, probably with little reluctance, to a private condition.†

The interval which now elapsed, previous to the re-establishment of regal Government, is beyond the design of this undertaking, which proposes to preserve and connect what may still be recovered of Parliamentary History, during the Protectorates. That interval, varied and tumultuous, was yet highly important for its inauspicious termination, in the restoration of the Stuart race,‡ the bitter bane of England during the larger part of a century. It will, I trust, soon be illustrated in the interesting and instructive manner, to be expected,

* "Richard advised," says *Whitlock*, "with the Lord Broghill, Fiennes, Thurloe, Wolselsy, myself, and some others, whether it were not fit to dissolve the present Parliament.

"Most of them were for it. I doubted the success of it, and wished a little longer permission of their sitting, especially now they had begun to consider of raising money, whereby they would engage the soldiery; but most were for the dissolving of the Parliament, in regard of the present great dangers from them, and from the Cavaliers, who now flocked to London, and, underhand, fomented the divisions." *Memorials*, (1732,) p. 677.

† "Without any struggle," says Bishop Burnet, "he withdrew, and became a private man. And as he had done hurt to nobody, so nobody did ever study to hurt him, by a rare instance of the instability of human greatness, and the security of innocence." *Own Time*, (1724,) i. 83.

Dr. Priestley, on "the advantage of preferring a private situation," gives the instance of "Richard Cromwell, who lived to a great age, contented and happy, whereas his father never knew what happiness was." See "Lectures on History," (iii.) *Works*, (1826,) xxiv. 50.

‡ Of the royal representative of that race, in 1660, Scotland's 110th king from Fergus, (See vol. iii. p. 374, *note*.) "Mr. Livingstone, one of the Scotch ministers sent to attend him in Holland, is reported to have said," (as if more gifted than his deluded brethren, with the *second-sight*,) "when they forced him on board with his Majesty, that they were bringing God's heavy wrath to Britain." See "A Memorial of the Reformation. By Benjamin Pennet," (1721,) p. 310.

from the patient research and discriminating judgment, already discovered in "The History of the Commonwealth."

Richard Cromwell was only in his thirty-second year, when he assumed the Protectoral authority. After the Restoration, he passed several years on the Continent; till released from pecuniary embarrassments, the high price of his transient elevation, he returned to England. There he survived, for many years, in the enjoyment of a competent estate, and the security of a private station, another and a final expulsion of the Stuarts.

The second Protector, placed for a few months in the seat of government, which his father's administration had rendered illustrious, especially to the observation of foreign states, has been sometimes described as a weak man,* for no

* Lord Clarendon has indulged to unusual pleasantry, in relating a gossip's tale, or, at best, an unauthenticated anecdote of a "Prince of Conti, Governor of Languedoc," through whose province the late Protector was travelling, *incog.*

"The Prince having received him with great civility and grace," and "began to discourse of the affairs of England," thus proceeded in the *vulgar* tongue; unless the noble historian, incautiously or, for an insidious purpose, (occasionally to be detected, notwithstanding mottoes from the Bible to every book of the history,) has rendered the Prince of Conti's French into English *Billingsgate*:—

"Oliver, though he was a traitor and a villain, was a brave fellow; had great parts, great courage, and was worthy to command. But that Richard, that coxcomb, *coquin, poltroon*, was, surely, the basest fellow alive. What has become of that fool? How was it possible he could be such a sot?" *History*, (1712,) iii. 663.

"Richard," said Dr. Harris, "by reason of his quiet resignation and submission to the Parliament, has been treated as a man 'without spirit to discern what was best for him,' as extremely 'pusillanimous;' in fine, as 'a fool and a sot,' by such men as Lord Clarendon and his copyists.

"But, in the name of common sense, what was there weak or foolish in laying down a burden too heavy for the shoulders? What, in preferring the peace and welfare of men, to blood and confusion, the necessary consequences of retaining the Government?" *Lives*, (1814,) iv. 202.

The eminent Noncomformist, Mr. Howe, who had been chaplain to the Protectors, having "heard Richard reflected on as a weak man," says Dr. Calamy, "he, with some warmth, made this return; 'how could he be a weak man, when upon the remonstrance that was brought from

reason that appears, but because he was happily free from the selfish, and, too often, sanguinary ambition of sovereign authority. Yet those rare talents, requisite, at once to occupy and to adorn a public station; such qualifications as make the place a candidate for the man, he neither possessed nor affected. But for his connexion, by the accident of birth, with the fame and fortunes of his father, the life of Richard Cromwell might have passed, uninterruptedly; as, after an extended and vigorous old age, it calmly concluded;* honourably and usefully sustaining the character, which a disciplined ambition might learn to envy, of an educated, independent, private gentleman.

the army, by his brother Fleetwood, he stood it out all night, against his whole Council, till four o'clock in the morning, having none but Thurloe to abet him; maintaining, the dissolving that Parliament would be both his ruin and theirs.'" *Ibid.* p. 203.

"The Lords Howard, Broghill, and some other officers," says *Budgell*, "advised him to remember that he was Cromwell's son, and to act as his father would have done, on such an occasion. They lastly offered, that if he would not be wanting to himself, and would give them a sufficient authority to act under him, they would either force his enemies to obey him, or cut them off.

"Richard, startled at this proposition, answered, in a consternation, 'he thanked them for their friendship'; but that he neither had done, nor would do any person any harm; and that, rather than a drop of blood should be spilt on his account, he would lay down that greatness which was but a burthen to him.' He was so fixed in this resolution, that, whatever the Lords could say, was not capable of making him alter it." See "Memoirs of the Boyles," (1737,) pp. 75, 76.

There is a similar relation, in a "dialogue between the Protector Richard and Colonel Howard." *House of Cromwell*, i. 330—332.

Mrs. Hutchinson says, "he was a meeke, temperate, and quiett man, but had not a spiritt fit to succeed his father, or to manage such a perplexed government." *Memoirs*, (1810,) ii. 218, 219.

* At Cheshunt, Herts, July 12, 1712, in the 86th year of his age. Mr. Noble says, "He chiefly resided at a house near the church, in Cheshunt; where he courted privacy, but did not live the life of a recluse, making occasional visits to his friends; but he cautiously avoided speaking of his former elevation, to his most intimate acquaintance. Dr Watts, who was frequently with him, says, 'he never knew him glance at his former station but once, and that in a very distant manner.'" *House of Cromwell*, (1787,) i. 173.

LIST OF THE SPEAKERS

*In the Parliaments, in 1656 and 1658-9, with the Places for which they served in any of the Parliaments during the Interregnum.**

ALDWORTH, Robert, *Bristol*, L. P. 1654, 1656, 1660.
Allured, Colonel, *Heydon*, 1658-9.
Andrews, Colonel, *Weobly*, L. P. 1658-9.
Annesley, Arthur, *Radnor*, L. P. *Dublin*, 1658-9; *Carmarthen*, 1660.
Archer, Thomas, *Warwick*, 1658-9, 1660.
Argyle, Lord Marquis, *Aberdeen*, 1658-9.
Ashe the Elder, *Somersetshire*, 1654, 1656.
Ashe, Jun. *Bath*, L. P. 1656, 1658-9.
Aston, Major, *Lowth and Meath*, 1656, 1658-9.
Attorney-general. See Prideaux.
Attorney of the Duchy of Lancaster. See Lechmere.
Audley, Major, *Surrey*, 1656.

Bacon, Nathaniel, *Cambridge University*, L. P. *Ipswich*, 1654, 1656, 1658-9.
Bacon, Francis, *Ipswich*, L. P. 1654, 1656, 1658-9, 1660.
Baldwin, John, *Wendover*, 1658-9, 1660.
Bampfield, Thomas, *Exeter*, 1654, 1656, 1658-9, 1660.
Barclay, Colonel, *Forfar* and *Kincardine*, 1654, 1656.
Barkstead, Sir John, *Colchester*, 1654, *Middlesex*, 1656.
Barnardiston, Sir Thomas, *St. Edmund's Bury*, L. P.; *Suffolk*, 1654, 1656, 1658-9.
Barnham, William, *Norwich*, 1658-9.
Barton, John, *Fowey*, 1658-9, 1660.

* Those are distinguished who had sat in the Long Parliament; noting the secluded members, and the King's Judges: also, the members of that Parliament, called in the name of "the Keepers of the Liberties of England," which made it their first act to betray those liberties, by an address to Charles Stuart, according to the approved models of courtly servility, humbly praying him to assume the royalty, without prescribing any conditions for the security of the people.

On the majority of the Parliament of 1660, may, indeed, be justly charged the cruel wrongs suffered by the Nonconformists of that age, and the blood of Vane, Russel, and Sidney, not to add the barbarities inflicted on the magnanimous judges of Charles I.

Bayles, Thomas, *Queenborough*, 1658-9.
Baynes, Captain, *Leeds*, 1654, 1656; *Appleby*, 1658-9.
Beake, Major, *Coventry*, 1654, 1656, *Peterborough*, 1658-9.
Beaumont, Sir Thomas, *Leicestershire*, 1654, 1656, 1658-9.
Bedford, Samuel, *Bedfordshire*, 1654, 1656.
Bence, John, *Aldborough*, 1658-9.
Bennet, Colonel, *Cornwall*, 1653; *Launceston*, 1654, 1658-9.
Berkley, George, *Gloucestershire*, 1654, 1656.
Barnard, John, *Huntingdon*, 1654, 1656, 1658-9, 1660.
Bethel, Slingsby, *Knaresborough*, 1658-9.
Birch, Colonel, *Leominster*, L. P. (*s.*) 1654, 1656, 1658-9, 1660.
Bishe, Edward, *Blechingly*, L. P.; *Ryegate*, 1654; *Gatton*, 1658-9.
Bisse, John, Recorder, *Dublin County*, 1656.
Blackwell, Captain, *Surrey*, 1656.
Blagrave, Daniel, *Reading*, L. P. (*k. j.*) 1658-9, 1660.
Bodurda, Griffith, *Anglesey*, 1656; *Beaumaris*, 1658-9, 1660.
Bond, Dennis, *Dorchester*, L. P.; *Weymouth*, 1654, 1656.
Booth, Sir George, *Cheshire*, L. P. 1654; *Lancashire*, 1658-9; *Cheshire*, 1660.
Boscawen, Hugh, *Cornwall*, 1654; *Truro*, 1658-9.
Boteler, Major-general, *Northamptonshire*, 1656.
Bridge, Major-general, *Chipping-Wycomb*, 1656; *Newcastle-under-Line*, 1658-9.
Briscoe, Colonel, *Cumberland*, 1654, 1656, 1658-9; *Carlisle*, 1660.
Bristow, Thomas, *Nottinghamshire*, 1658-9.
Broghill, Lord, *Cork County*, 1654, 1656; *Arundel*, 1660.
Brooke, Major, *Newton*, L. P. (*s.*) *Cheshire*, 1656.
Broughton, Andrew, *Kent*, 1653; *Maidstone*, 1658-9.
Browne, Major-general, *Chipping Wycombe*, L. P.; *London*, 1658-9, 1660.
Bulkeley, John, *Southamptonshire*, 1654; *Christchurch*, 1658-9, *Southampton County*, 1660.
Buller, *East Low*, 1658-9; *West Low*, 1660.
Burton, Thomas, *Westmoreland*, 1656, 1658-9.
Burton, Major, *Norfolk*, 1653; *Great Yarmouth*, 1656, 1658-9.
Butler, Edward, *Poole*, 1656.

Carter, Colonel, *Denbighshire*, 1654, 1656.
Carter, Sir John, *Denbighshire*, 1653-9; *Denbigh*, 1660.
Cartwright, William, *East Retford*, 1658-9.

Cary, Edward, *Westminster*, 1656.
Castle, Colonel, *Cambridgeshire*, 1653, 1654, 1656.
Chadwick, Colonel, *Nottingham*, 1654, 1656.
Chaloner, Thomas, *Richmond*, L. P. (*k. j.*); *Scarborough*, 1658-9.
Charlton, Job. *Ludlow*, 1658-9, 1660.
Church, Bernard, *Norwich*, 1656.
Chute, Chaloner, *Devizes*, 1658-9.
Clarges, Dr. *Ross, Sutherland and Cromarty*, 1656; *Bamff, Cullen* and *Aberdeen*, 1658-9; *Westminster*, 1660.
Clarke, Colonel, *Ireland*, 1653; *Derry*, 1654; *Cardigan*, 1656; *Clifton, Dartmouth, Harness*, 1658-9.
Claypole, Lord, *Carmarthenshire*, 1654; *Northamptonshire*, 1656.
Clayton, Captain, *Lestwithiel*, 1658-9, 1660.
Cochran, Lord, of Dundonald, *Aire* and *Renfrew*, 1656.
Coker, Colonel, *Dorsetshire*, 1656, 1660.
Collins, William, *Worcester*, 1654, 1656, 1658-9.
Cooper, Sir Anthony Ashley, *Wiltshire*, 1653, 1654, 1656, 1658-9, 1660.
Cooper, Colonel, *Down, Antrim, and Armagh*, 1656.
Coote, Sir Charles, *Galway and Mayo*, 1658-9.
Coplestone, Sir John, *Barnstaple*, 1658-9.
Cox, Colonel, *St. Albans*, 1654, 1656.
Crofts, Captain, *Gloucestershire*, 1653, 1656.
Croke, Richard, *Oxford*, 1656, 1658-9.
Cromwell, Lord Richard, *Portsmouth*, L. P.; *Southamptonshire*, 1654, *Cambridge University*, 1656.
Cromwell, Colonel Henry, Jun., *Huntingdonshire*, 1654, 1656, 1658-9, 1660.*

Dalavall, Ralph, *Northumberland*, 1658-9.
Danby, James, *Allerton*, 1658-9.
Danvers, *Westbury*, 1658-9.
Darley, Richard, *Allerton*, L. P. *Yorkshire*, 1656.
Dendy, Serjeant, *Eye*, 1658-9.
Denn, Vincent, *Canterbury*, 1656.

* This member of the Protector's family, appears in the next Parliament, as Henry Williams, in consequence of a grant from Charles II., on his humble petition, to drop the now uncourtly appellation, of which he was, probably, unworthy, and to assume the ancient name.

Disbrowe, Major-general, 1653; *Somersetshire*, 1654, 1656.
Disbrowe, Samuel, *Edinburgh*, 1654; *Mid-Lothian*, 1656, 1658-9.
Ditton, Alderman, *New Sarum*, 1658-9.
Dodderidge, *Barnstable*, L. P. (*s.*) 1654; *Devonshire*, 1656.
Downing, *Edinburgh*, 1654; *Carlisle*, 1656, 1658-9.
D'Oyley, Sir William, *Norfolk*, 1654, 1656, 1658-9.
Drake, Francis, *Surrey*, 1654, 1656, 1658-9.
Drury, Alderman, *Nottingham*, 1656.
Dunch, Captain, *Berkshire*, 1654, 1656, 1658-9.

Earle, Sir Walter, *Weymouth*, L. P. *Dorsetshire*, 1654, 1658-9.
Edgar, Thomas, *Oxford*, 1658-9.
Edwards, Colonel, *Bedford*, L. P.; *Bedfordshire*, 1656.
Ellis, Sir William, Solicitor-general, *Boston*, L. P. (*s.*) 1654; *Grantham*, 1656, 1658-9.
Eure, Lord, *Yorkshire*, 1653, 1654, 1656.
Eyre, Colonel, *Wilts*, 1653; *New-Sarum*, 1658-9.

Fagge, John, *Rye*, L. P.; *Sussex*, 1654, 1656, 1658-9.
Fairfax, Lord, *Cirencester*, L. P.; *Yorkshire*, 1654, 1658-9.
Falkland, Lord, *Oxfordshire*, 1658-9.
Fenwick, Robert, *Northumberland*, L. P.; *Four Northern Counties*, 1653; *Northumberland*, 1654, 1656.
Fielder, Colonel, *St. Ives*, L. P.; *Castle Rising*, 1658-9.
Fiennes, Lord, *Banbury*, L. P. (*s.*) *Oxfordshire*, 1653; *Oxford University*, 1656.
Fiennes, Captain, *Lincolnshire*, 1656.
Fitz-James, Colonel, *Dorsetshire*, 1656; *Downton*, 1658-9.
Fleetwood, Lord Deputy, *Marlborough*, L. P.; *Oxfordshire*, 1654; *Norfolk*, 1656.
Fleetwood, Miles, *Woodstock*, 1658-9.
Foot, Alderman, *London*, 1654, 1656.
Fothergill, Colonel, *Sudbury*, 1654, 1656, 1658-9.
Fowell, Edmund, *Tavistock*, L. P.; *Devonshire*, 1656; *Tavistock*, 1658-9.
Foxwist, William, *Carnarvon*, L. P. (*s.*) *Anglesey*, 1654; *Swansey*, 1658-9.
Freeman, Edward, *Leominster*, 1658-9.

Geldart, Alderman, *York*, 1656.

Gerrard, Francis, *Stafford*, L. P. (s.) *Middlesex*, 1658-9.
Gewen, Thomas, *Launceston*, L. P. (*s.*) *Cornwall*, 1654; *Launceston*, 1656, 1658-9.
Gibbes, Alderman, *Suffolk*, 1654, 1656.
Gibbons, Colonel, *Exeter*, 1654, 1658-9.
Glynn, Lord-chief-justice, *Westminster*, L. P.; *Carnarvonshire*, 1654; *Flintshire*, 1656.
Godfrey, Lambert, *Kent*, 1654, 1656; *Romney*, 1658-9.
Goffe, Major-general, *Great Yarmouth*, 1654, *Southamptonshire*, 1656.
Goodrick, Francis, *Aldborough*, 1658-9.
Goodwin, John, *Haslemere*, L. P.; *East-Grinstead*, 1654, 1656; *Blechingly*, 1658-9.
Goodwin, Sir Robert, *East-Grinstead*, 1658-9.
Gorges, Colonel Thomas, *Taunton*, 1654, 1656, 1658-9.
Gott, Samuel, *Winchelsea*, L. P.; *Hastings*, 1658-9.
Grosvenor, Colonel, *Westminster*, 1656, 1658-9.
Grove, Thomas, *Milborn-Port*, L. P. (*s.*) *Wiltshire*, 1654, 1656; *Marlborough*, 1658-9.

Hacker, Colonel, *Leicestershire*, 1658-9.
Haines, Major, *Essex*, 1656.
Hale, Serjeant, *Gloucestershire*, 1654; *Oxford University*, 1658-9.
Hall, Thomas, *Lincolnshire*, 1654, 1656.
Hampden, Richard, *Buckinghamshire*, 1656.
Hampden, William, *Wendover*, 1658-9.
Hanmer.
Harrington, Sir James, *Rutlandshire*, L. P.; *Middlesex*, 1654.
Harrison, Thomas, *Yorkshire*, 1654, 1658-9.
Harvey, Colonel, *Bedfordshire*, 1654, 1656.
Haslerigge, Sir Arthur, *Leicestershire*, L. P.; *Leicester*, 1654, 1656, 1658-9.
Hatcher, Colonel, *Stamford*, L. P.; *Lincolnshire*, 1654, 1656, 1658-9.
Hatsel, Captain, *Devonshire*, 1654, 1656; *Plympton*, 1658-9.
Hele, John, *Ryegate*, 1658-9.
Henley, Henry, *Somersetshire*, 1653; *Dorsetshire*, 1654; *Lyme-Regis*, 1658-9.
Herbert, Henry, *Monmouthshire*, L. P. *Brecknockshire*, 1654.
Herbert, Honourable, John, *Wilton*, 1658-9.

Hervey, Francis, *Northampton*, 1656.
Hewitson, (Hewson,) Colonel, *Ireland*, 1653; *Dublin*, 1654; *Guildford*, 1656.
Hewley, John, *Pontefract*, 1658-9.
Heylinge.
Higgons, Thomas, *Malmsbury*, 1658-9.
Highland, Samuel, *Surrey*, 1653; *Southwark*, 1654, 1656.
Hobart, John, *Norwich*, 1654, 1656, 1658-9.
Hobart, Sir John, *Norfolk*, 1654, 1656.
Holland, Colonel, *Lancashire*, 1654, 1656.
Horseman, Major, *Rutlandshire*, 1653, 1654, 1658-9.
Hoskins, Bennet, *Hereford*, L. P.; *Herefordshire*, 1654, 1656, 1658-9.
Howard, Major-general, *Four Northern Counties*, 1653; *Cumberland*, 1654, 1656.
Howard, Philip, *Malton*, 1658-9.
Howe, John Grubham, *Gloucestershire*, 1654, 1656, 1658-9.
Humphrys, John, *Bridgenorth*, 1658-9.
Hungerford, Henry, *Bedwin*, L. P. (*s.*) 1658-9.
Hussey, Thomas, *Whitchurch*, L. P.; *Andover*, 1656.

Ingoldsby, Colonel Sir Henry, *Kerry*, *Limerick*, *and Clare*, 1658-9.
Irby, Sir Anthony, *Boston*, L. P. (*s.*) 1656, 1658-9.
Ireland, Colonel, *Lancashire*, 1654, 1656; *Liverpool*, 1658-9, 1660.

Jenkinson, Robert, *Oxfordshire*, 1654, 1656, 1658-9.
Jennings, Edmund, *Rippon*, 1658-9, 1660.
Jennings, Jonathan, Junior, *Rippon*, 1658-9.
Jenyns, Richard, *St. Albans*, 1658-9, 1660.
Jephson, Major-general, *Stockbridge*, L. P. (*s.*) *Cork and Youghall*, 1654, 1656.
Jessop, William, *Stafford*, 1658-9.
Jones Colonel John, *Merioneth*, L. P. (*k. j.*); 1656.
Jones, Captain John, *London*, 1658-9.
Jones, Edmund, *Brecon*, 1654, 1658-9.
Jones, Colonel Philip, *Brecon*, L. P.; *Monmouthshire*, 1653, 1654; *Glamorganshire*, 1656.
Jones, Colonel Sir Theophilus, *Dublin*, 1658-9.
Juxon, Thomas, *Helston*, 1658-9.

Kelsey, Major-general, *Sandwich*, 1554; *Dover*, 1656, 1658-9.
Kenrick, Colonel, *Kent*, 1653; *Hythe*, 1658-9.
Kiffen, Colonel, *Middlesex*, 1656.
Kirkley, Colonel.
Knightley, Richard, *Northampton*, L. P., (*s.*) *Northamptonshire*, 1658-9; *St. Germains*, 1660.
Knight, Major.

Lambert, Lord, 1653; *Yorkshire*, 1654, 1656; *Pontefract*, 1658-9.
Launce, James, *Cornwall*, 1654; *Michel*, 1658-9.
Lawrence, Henry, Lord President of the Council, *Westmoreland*, L. P. *Hertfordshire*, 1653, 1654; *Colchester*, 1656.
Lawrence, Judge, *Isle of Wight*, 1656.
Lawson, Sir Wilfred, *Cumberland*, 1658-9; *Cockermouth*, 1660.
Lechmere, Nicholas, Attorney of the Duchy of Lancaster, *Droitwich*, L. P.; *Worcestershire*, 1654, 1656, 1658-9.
Lee, John, *Bridport*, 1658-9.
Lenthall, William, Master of the Rolls, *Woodstock*, L. P.; *Oxfordshire*, 1654, 1656.
Lenthall, Sir John, *Abingdon*, 1658-9.
Lilburn, Captain, *Durham County*, 1656.
Lilburn, Major-general, *Durham*, 1654; *Yorkshire*, 1656.
Lisle, Lord Commissioner, *Winchester*, L. P.; *Southampton*, 1654, 1656.
Lister, Christopher, *Westmoreland*, 1654, 1656.
Lloyd, Charles, *Montgomery*, 1656, 1658-9.
Lobb, Richard, *Michel*, 1658-9.
Lockyer, Colonel.
Lockyer, Junior.
Loftus, Dudley, LL.D. *Kildare and Wicklow*, 1658-9.
Long, Sir Lislebone, Recorder of London, *Wells*, L. P. 1654; *Somersetshire*, 1656; *Wells*, 1658-9.
Lord Chief Justice. See Glynn.
Lord President of the Council. See Lawrence.
Lord Provost of Edinburgh. See Ramsey.
Lucy, Sir Richard, *Old Sarum*, L. P.; *Hertfordshire*, 1654, 1656.
Ludlow, Lieutenant-general, *Wiltshire*, L. P. (*k. j.*) *Hindon*, 1658-9.

M'Dowell, Sir James, *Wigton*, 1656.

Mackworth, Thomas, Town-clerk, *Shrewsbury*, 1658-9.
Maidstone, John, *Colchester*, 1654, 1656.
Manley, Thomas, *Bedwin*, 1658-9.
Marbury, Thomas, *Cheshire*, 1656.
Margett's, Thomas, Judge Advocate, *Bedford*, 1656, 1658-9.
Markham, Colonel, *Linlithgow*, &c. 1656.
Mason, Captain, *Herefordshire*, 1656.
Master of the Rolls. See Lenthall.
Matthews, Colonel, Recorder of Maldon, *Essex*, 1653; *Maldon*, 1654, 1656, 1658-9.
Maynard, Serjeant, *Totness*, L. P.; *Plymouth*, 1656; *Newton*, I.W.; 1658-9; *Exeter*, 1660.
Meredith, Richard, *Kent*, 1656.
Mildmay, Colonel, *Essex*, 1654, 1656; *Maldon*, 1658-9.
Mitford, Robert, *Morpeth*, 1658-9.
Montague, Edward, one of his Highness's Council, Commissioner of the Treasury, and General at Sea. *Huntingdonshire*, L. P. 1653, 1654, 1656.
Moody, Samuel, *St. Edmund's Bury*, 1654, 1656.
More, Colonel, *Bishop's Castle*, 1658-9.
Morgan, Major Sir Anthony, *Kildare and Wicklow*, 1654, 1656.
Morley, Colonel, *Lewes*, L. P.; *Sussex*, 1654, 1656, 1658-9, 1660.
Morrice, William, *Devonshire*, 1654; *Newport*, 1658-9; *Plymouth*, 1660.
Moyle, Walter, *Lestwithiel*, 1658-9, 1660.
Mussenden, Francis, *Boston*, 1658-9.

Nanfan, John, *Worcestershire*, 1656.
Neville, Colonel, *Nottinghamshire*, 1654, 1656, 1658-9.
Neville, Henry, *Berkshire*, L. P.; *Reading*, 1658-9.
Nicholl, Antony, *Bodmyn*, L. P.; *Cornwall*, 1654; *Bossiny*, 1658-9.
Noel, Martin, *Stafford*, 1656, 1658-9.
Noel, Thomas, *Leskard*, 1658-9.
Northcote, Sir John, *Asburton*, L. P.; *Devonshire*, 1654, 1656, 1658-9, 1660.

Okey, Colonel, *Linlithgow*, 1654; *Bedfordshire*, 1658-9.
Onslow, Arthur, *Bramber*, L. P. (*s.*); *Surrey*, 1654, 1656, 1658-9; *Guildford*, 1660.
Onslow, Sir Richard, *Surrey*, L. P. 1654, 1656; *Guildford*, 1660.

Pack, Sir Christopher, Alderman, *London*, 1656.
Packer, Major-general, *Woodstock*, 1656; *Hertford*, 1658-9.
Parker, John, one of the Barons of the Exchequer, *Rochester*, 1656.
Parsons, Colonel, *Boroughbridge*, 1658-9.
Peckham, Henry, *Chichester*, 1654, 1656, 1658-9, 1660.
Pedley, Nicholas, Commissioner of the Wine Office, *Huntingdonshire*, 1656, 1658-9; *Huntingdon*, 1660.
Petty, William, M. D. *Westlow*, 1658-9.
Philips, Colonel, *Pembrokeshire*, 1656.
Pickering, Henry, *Cambridgeshire*, 1654, 1656.
Pickering, Sir Gilbert, one of his Highness's Council; Chamberlain of the Court, and High Steward of Westminster, *Northamptonshire*, L. P. 1653, 1654, 1656.
Piggot, Sir Richard, *Buckinghamshire*, 1656.
Poole, Edward *Wootton-Basset*, L. P. (*s.*) *Cricklade*, 1658-9; *Chippenham*, 1660.
Porter, Major, *Lancaster*, 1654, 1656.
Prideaux, Sir Edmund, Attorney-general, *Lyme-Regis*, L. P. 1654, 1656, 1658-9.
Puller, Major, *Hertford*, 1654, 1656, 1658-9.
Purefoy, Colonel, *Warwick*, L. P.; *Warwickshire*, 1654; *Coventry*, 1656, 1658-9.
Pury, Thomas, Junior, *Gloucester*, 1656.

Raleigh, Carew, *Kellington*, L. P.; *Guildford*, 1658-9.
Ramsey, Andrew, Lord Provost, *Edinburgh*, 1656.
Recorder of London. See Long.
Redding, Nathaniel, *Appleby*, 1658-9.
Reynell, Thomas, *Devonshire*, 1654, 1656; *Ashburton*, 1658-9.
Reynolds, Robert, *Hindon*, L. P.; *Whitchurch*, 1658-9.
Reynolds, Sir John, *Galway* and *Mayo*, 1654; *Tipperary* and *Waterford*, 1656.
Rhodes, Sir Edward, one of his Highness's Council for Scotland; *Perthshire*, 1656, 1658-9.
Rigby, Colonel, Alexander, *Wigan*, L. P.; *Lancashire*, 1658-9.
Roberts, Sir William, Comptroller of the Exchequer and Commissioner of the Wine Office, *Middlesex*, 1653, 1654, 1656.
Robinson, Luke, *Scarborough*, L. P.; *Yorkshire*, 1656; *Malton*, 1658-9.

Rolle, Robert, *Devonshire*, 1654, 1656, 1658-9.
Ross.
Rouse, Colonel, Vice-Admiral of the North and South Coasts of Cornwall, *Cornwall*, 1653, 1654, 1656; *Helston*, 1660.
Rouse, Francis, Sen., one of his Highness's Council, and Provost of Eton College; *Truro*, L. P. 1654; *Cornwall*, 1656.
Rushworth, John, *Berwick*, 1658-9, 1660.

Sadler, John, *Yarmouth*, I. W. 1658-9.
St. Nicholas, Thomas, *York*, 1653; *Canterbury*, 1656, 1658-9.
Salmon, Colonel, *Scarborough*, 1656, 1658-9.
Salway, Edward, *Droitwich*, 1658-9.
Sankey, Colonel, Sir Jerome, *Tipperary* and *Waterford*, 1654; *Marlborough*, 1656; *Woodstock*, 1658-9.
Scawen, Robert, *Berwick*, L. P.; *Grampound*, 1654, 1658-9.
Scot, Thomas, of Lambeth House, *Aylesbury*, L. P. (*k. j.*); *Chipping-Wycombe*, 1654; *Aylesbury*, 1656; *Chipping-Wycombe*, 1658-9.
Scotten, Captain, *Devises*, 1656, 1658-9.
Secretary of State. See Thurloe.
Seys, Serjeant, *Glamorgan*, 1658-9.
Shaftoe, Mark, *Newcastle-upon-Tyne*, 1658-9.
Shapcot, Colonel, of Broadmarsh, *Tiverton*, L. P.; 1654, 1656, 1660.
Shaw, John, Recorder, *Colchester*, 1658-9, 1660.
Sherwin, Richard, *Ludgershall*, 1658-9.
Skippon, Philip, one of his Highness's Council, and Major-general of London, *Lynn-Regis*, 1654, 1656.
Skipwith, Thomas, *Grantham*, 1658-9, 1660.
Smith, George, one of the judges in Scotland, *Mid-Lothian*, 1654; *Dumfries*, 1656.
Solicitor-general. See Ellis.
Speaker. See Widdrington, Chute, Long, Bampfield.
Stanley, William, Alderman, *Leicester*, 1654, 1656, 1658-9.
Stanley, Sir Thomas, *Tipperary* and *Waterford*, 1658-9.
Stapleton, John, *Cockermouth*, 1658-9.
Starkey, George, *New Windsor*, 1658-9.
Stedman, James, *Chippenham*, 1658-9.
Stephens, John, Recorder of Bristol, *Tewkesbury*, L. P.; *Gloucestershire*, 1658-9; *Bristol*, 1660.
Steward, Robert, *Thetford*, 1658-9.

Stewart, Colonel, *Orkney, Zetland, and Caithness*, 1656.

Stone, Captain, Teller of the Exchequer, Receiver-general of the Taxes, Comptroller of the Excise and Customs, and Commissioner of the Wine Office, *London*, 1653; *Cirencester*, 1654, 1656, 1658-9.

Streete, Thomas, *Worcester*, 1658-9.

Strickland, Walter, one of his Highness's Council, and Captain of his Grey-coat Foot-guard at Whitehall, *Mynhead*, L. P.; *Yorkshire*, 1653, 1654; *Newcastle-upon-Tyne*, 1656.

Strickland, Sir William, *Heydon*, L. P.; *Yorkshire*, 1654, 1656.

Sturges, Thomas, *Gatton*, 1658-9.

Styles, Sir Thomas, *Kent*, 1656, 1658-9.

Swinfen, John, *Stafford*, L. P.; *Tamworth*, 1658-9; *Stafford*, 1660.

Swinton, John, one of the Judges in Scotland, *Scotland*, 1653; *Merce*, 1654, 1656, 1658-9.

Sydenham, Colonel, one of his Highness's Council, Commissioner of the Treasury, and Governor of the Isle of Wight, *Melcombe Regis*, L. P.; *Dorsetshire*, 1653, 1654, 1656.

Talbot, Colonel, Thirsk, 1658-9.

Temple, Sir Richard, *Warwickshire*, 1654; *Buckingham*, 1658-9, 1660.

Terrill, Colonel, *Aylesbury*, 1658-9.

Thistethwaite, Alexander, *Downton*, L. P.; *Wiltshire*, 1654, 1656.

Thomas, John, *Tregony*, 1658-9.

Thompson, Colonel, Alderman, *Lincoln*, 1653; *Haddington*, 1654; *London*, 1658-9.

Thorowgood, Sir John.

Thorp, Serjeant, late one of the Barons of the Exchequer, *Richmond*, L. P.; *Beverley*, 1654, 1656.

Thurloe, John, Principal Secretary of State, and Postmaster of England, *Ely*, 1654, 1656; *Cambridge University*, 1658-9.

Tigh, Richard, Alderman, *Dublin*, 1656.

Toll, Captain, Alderman, *Lynne-Regis*, 1658-9.

Topham, Christopher, *York*, 1658.

Townshend, Sir Horatio, *Norfolk*, 1656, 1658-9, 1660.

Trayle, Lieutenant-colonel, *Down*, *Antrim* and *Armagh*, 1656.

Trenchard, John, *Wareham*, L. P.; *Dorsetshire*, 1654; *Weymouth*, 1658-9.

Trevor, John, *Flintshire*, L. P. 1654, 1656, 1658-9.

Trotter.
Turner, Edward, of Gray's Inn, *Essex*, 1654, 1658-9, 1660.
Tweedale, John, Earl of, *East Lothian*, 1656, 1658-9.
Twisleton, Colonel, *Anglesey*, 1654, 1656.
Tymbes, Richard, Alderman, *Cambridge*, 1656, 1658-9.

Upton, John, Commissioner of the Customs, *Fowey*, L. P.; *Haverfordwest*, 1654 1656, 1658-9.

Vane, Sir Henry, Jun. *Kingston-upon-Hull*, L. P.; *Whitchurch*, 1658-9.
Vincent, Walter, *Truro*, 1656, 1658-9, 1660.

Wagstaff, Major, *Bedfordshire*, 1656.
Waller, Walter, *Limerick* and *Kilmarnock*, 1656.
Waller, Serjeant, *Bodmyn*, L. P. (*s.*); *Linlithgow*, &c. 1658-9.
Waring, Edward, Farmer of the Excise, *Bridgnorth*, 1656.
Watson, Captain, *Litchfield*, 1658-9.
Weaver, John, *Stamford*, L. P. 1654, 1656, 1658-9.
Welden Colonel, *Kent*, 1654, 1656.
West, Robert, *Cambridgeshire*, 1656.
West, Colonel, *Lancaster*, 1658-9, 1660.
Westlake, Thomas, Town-clerk, *Exeter*, 1656.
Whalley, Henry, Judge Advocate, *Selkirk* and *Peebleshire*, 1656, 1658-9.
Whalley, Major-general, Commissary-general of the Horse, *Nottinghamshire*, 1654, 1656.
Whalley, Captain, *Nottingham*, 1658-9.
Wharton, Thomas, *Westmoreland*, 1658-9, 1660.
Wheeler, Sir William, *Westbury*, L. P. 1658-9.
Whetham, Colonel, *Portsmouth*, 1654; *St. Andrews*, 1656, 1658-9.
White, Colonel, Francis, Tewksbury, 1656.
White, Colonel, Thomas, Recorder, *Wells*, 1658-9, 1660.
Whitehead, Colonel, *Stockbridge*, 1658-9.
Whitgrave, Captain, *Staffordshire*, 1654, 1656, 1658-9.
Whitlock, Bulstrode, Lord Commissioner of the Treasury, *Marlow*, L. P.; *Oxford*, 1654; *Buckinghamshire*, 1656.
Widdrington, Sir Thomas, *Berwick*, L. P. *York*, 1654, 1656, 1660.
Willis, Sir Thomas, *Cambridgeshire*, 1658-9.
Wilton, Colonel, *Norfolk*, 1654, 1656.
Winter, Colonel.

Winthorpe, Colonel, *Bamff* and *Aberdeen*, 1656.
Wolseley, Sir Charles, one of his Highness's Council, *Oxon.* 1653; *Staffordshire*, 1654, 1656, 1660.
Wroth, Sir Thomas, *Bridgewater*, L. P. 1656, 1658-9, 1660.
Wroth, Serjeant, *Bridgewater*, 1658-9.
Wylde, Serjeant, late Lord Chief Baron of the Exchequer, *Worcestershire*, L. P.; *Droitwich*, 1658-9.
Wyndham, Sir William, *Taunton*, 1658-9, 1660.
Wyvill, Sir Christopher, *Richmond*, 1658-9, 1660.
Young, Philip, *Shropshire*, 1656, 1658-9.
Young, Walter, *Honyton*, L. P. 1658-9.*

List of Members nominated, and for what places, in the Parliament, 1653.

Berks. Samuel Dunch, Vincent Goddard, Thomas Wood.
Bedford. Nathanael Taylor, Edward Cater.
Buckingham. George Fleetwood, George Baldwin.
Cambridge. John Sadler, Thomas French, Robert Castle, Samuel Warner.
Chester. Robert Duckenfield, Henry Birkenhead.
Four Northern Counties. Charles Howard, Robert Fenwick, Henry Dawson, Henry Ogle.
Cornwal. Robert Bennet, Francis Langdon, Anthony Rous, John Bawden.
Derby. Jervas Bennet, Nathanael Barton.
Devon. George Monk, one of the Generals at Sea, John Carew, Thomas Sanders, Christopher Martin, James Erisey, Francis Rous, Richard Sweet.
Dorset. William Sydenham, John Bingham.
Essex. Joachim Matthews, Henry Barington, John Brewster, Christopher Earl, Dudley Templer.
Gloucester. John Crofts, William Neast, Robert Holmes.
Southampton. Richard Norton, Richard Major, John Hildesley.
Hertford. Henry Lawrence, William Reeve.

* The few names assigned to no place, are not in the *Parliamentary History*, which is followed for 1654, 1656, and 1658-9. For 1660, I use "the Parliamentary Register, 1741;" and for 1653, "Several Proceedings of Parliament," (1653,) pp. 9—13. This earliest and complete list of that Parliament, may serve to refute the stories of fanatical names, so gravely related as history, by the fabulous *Hume*. See his credulity or contrivance exposed, in the *History of the Commonwealth*, (1827,) vol. iii. p. 524, *note*.

Hereford. Wroth Rogers, Iohn Herring.

Huntingdon. Edward Montague, Stephen Phesaunt.

Kent. Lord Viscount Lisle, Thomas Blount, William Kenrick, William Cullen, Andrew Broughton.

Lancaster. William West, Iohn Sawrey, Robert Cunliff.

Leicester. Henry Danvers, Edward Smith, Iohn Prat.

Lincoln. Sir William Brownlow, Richard Cust, Barnaby Bowtel, Humphrey Walcot, William Thompson.

Middlesex. Sir Wm. Roberts, Augustine Wingfield, Arthur Squib.

Monmouth. Philip Iones.

Northampton. Sir Gilbert Pickering, Thomas Brook.

Norfolk. Robert Iermy, Tobias Freere, Ralph Wolmer, Henry King, William Burton.

Nottingham. Iohn Oddingsels, Edward Clud.

Oxon. Sir Charles Wolsley, Wm. Draper, Dr. Jonathan Goddard.

Rutland. Edward Horseman.

Salop. William Bottrel, Thomas Baker.

Stafford. George Bellot, Iohn Chetwood.

Suffolk. Iacob Caley, Francis Brewster, Robert Dunkon, Iohn Clark, Edward Plumstead.

Somerset. Robert Blake, one of the Generals at Sea, Iohn Pyne, Dennis Hollister, Henry Henley.

Surrey. Samuel Highland, Lawrence March.

Sussex. Anthony Stapely, William Spence, Nathanael Studeley.

Warwick. John St. Nicholas, Richard Lucy.

Wilts. Sir Anthony Ashley Cooper, Nicholas Green, Tho. Eyre.

Worcester. Richard Salwey, John James.

York. George Lord Eure, Walter Strickland, Francis Lassels, John Anlaby, Thomas Dickenson, Thomas St. Nicholas, Roger Coats, Edward Gill.

London. Robert Tichborn, John Ireton, Samuel Moyer, Iohn Langley, Iohn Stone, Henry Barton, Praise God Barbone.

Wales. Bushy Mansel, Iames Philips, Iohn Williams, Hugh Courtney, Richard Price, Iohn Brown.

Scotland. Sir James Hope, Alexander Bredy, Iohn Swinton, William Lockart, Alexander Jeffries.

Ireland. Sir Robert King, Colonel Iohn Hewson, Colonel Henry Cromwel, Colonel John Clark, Daniel Hutchinson, Vincent Gookyn.

Lord General, Major-general Lambert, Major-general Harrison, Major-general Desborow, Colonel Matthew Tomlinson, 144.

INDEX.

Abergavenny, Lord, his petition to Parliament relative to the reversion of his lands, motion on, ii. 270, 271.
Acklam, Mr. bill for the sale of his lands, i. 159. 265.
Acts and Ordinances, debates upon confirming of, 1657, ii. 38—82. 85—94. 96, 97.
Admiralty, Court of, Ordinance explanatory of the jurisdiction of, discussed, ii. 57.
Adultery, punishment awarded to the crime of, in 1650, i. 145 n.
Ady, Thomas, notice of his book on the subject of Witchcraft, i. 26 n.
African Chiefs, curious exhibition noticed at the residences of the, ii. 475 n.
Akehurst, Mr. articles against, Committee appointed to examine, i. cxxx.
Aldersgate, London, notice of the meeting-place of the Quakers at, iii. 507 n.
Alexander VII. Pope, the Jansenists persecuted by, ii. 358 n. Entertained the idea of abjuring Popery, 359 n.
Aliens, goods of, motion relative to writ of delivery of, debate on, ii. 168, 169. Debate on the proviso for paying strangers' customs, 193—195. 256.
Alured, Colonel, allusion to, iii. 46, n.
Amboyna, massacre at, noticed, iii. 391. 393 n.
America, South, formerly included among the West Indies, ii. 355 n.
Anabaptists, allusion to, i. xxxvii.
Anne, Queen, satirical remarks on the piety of, iv. 269 n.
Annesley, Mr. (afterwards Earl of Anglesea) remark on, iv. 265 n. 1658-9. his courtesies to Mr. Scot, and his assisting shortly afterwards at his condemnation, 380 n. His versatility, 409 n. Double meaning of his speeches in Cromwell's Parliament, 436 n. 457 n. 465 n. 475 n.
Apprentices, City, tumult and outrages of the, iii. 108 n. 209. *See* London.
Ardes, Lord, his sequestrated estate in Ireland proposed to be given away by Parliament, debate on, i. 2—5. 222.
Argyle, Marquis of, order to, enabling him to receive a portion of the Excise of Scotland, iv. 447. 448 n.
Aristotle, his distinction between the designations King and Tyrant, i. 399. and n.
Armstrong, Sir Thomas, imprisoned by order of Cromwell, iv. 151 n.

Army, The, allusions to, i. lvi. iii. 56. 62, 63. 187. 206. 209. Debate in Parliament on the settling of, i. xlii, xliii Meeting of the Officers of, lx. Power over, vested in the Protector, lxxviii. Debate on the disposal of, on the death of the Protector, lxxx—lxxxiv. Expenses of the, to be defrayed by assessment, lxxvi. lxxvii lxxxiv. Report of the Committee respecting the reduction of, xci. Answer of the Protector, xci—xciii. Army of the Commonwealth described, ii. 502 n. Charge of, in 1654, i. lxxxvii, n. lxxxix. cxxi. n Petition of the Officers of, to Parliament, against Cromwell's assumption of the title of King, ii. 116, 117 and n. Allusions to, iii. 75 n. Motion for an enquiry into the establishment of, 307. Debate upon the accounts of the Commissioners of the Army and Navy, 305. 307—316. Petition of pensioners belonging to, presented to Parliament, iv. 361, 362 n. Statement of the arrears due to, 307 n. Debate relative to the payments of, 139, 140. Address of the officers of, presented to the Protector, Richard Cromwell, 361 n. Address of the inferior officers to the General Council, 388, 389 n. Remarks on the names of those subscribing it, 388 n. Petition from the disbanded forces for arrears due to them, 413 and n. Solemn meeting of, 423 n. Debate in Parliament relative to the remonstrance of, 449—463. Debate on settling the militia, 472—476. Resumed 477—480. Violence used by, to compel Richard Cromwell to dissolve the Parliament 1659, 482 n., 483 n. *See* Benson.

Array, Commissions of, declared illegal, i. 273 n.

"Ars Notoria," (condemned by Parliament,) notice of that work, i. 305. 306 n.

Arthur, Captain John, his petition to Parliament considered, i. 204. Bill for settling lands in Ireland on, read, ii. 123. Committed, 124. Passed, 159.

Arundel, Earl of, his case brought before Parliament, iv. 369. Referred to a Committee, ib.

Ashdowne, Forest of, discussion relative to the sale of, ii. 78 and n. 79 n.

Ashe, Mr. James, remarks of, reflecting on some members of Parliament, i. 369. Explains himself, 371.

——— Mr. John, petition of, noticed, i. 267.

——— Mr. allusion to, iii. 241. 256.

Ashfield, Colonel, anecdote of, iv. 222 n.

Ashton, Colonel, allusion to, ii. 473.

Assessments: Bill for the Assessment of England, i. 377. Debate on, i. lxxvi. lxxvii. lxxxiv—lxxxviii. ci. cii. ii. 171—174. Bill for the Assessment on Ireland, debate on, 162, 163. Read second time, 166. Referred to a Committee, 167. Amendments to, 200, 201. Petition respecting, debate on, 221—226. Bill for the Assessment on Scotland read second time and committed, 163. Reported, 196. Debate upon the proportions of England, Scotland and Ireland, 207—214. Debate upon the proportions on the Counties of England, 214—219. 236—228. 229—237. 254. Amendments, 255. Petition against the Irish Assessment, 224—226. Debate upon, 245—247. Bill of three months Assessment on Scotland, passed, 269. Bill for Assessment on England, Scotland, and Ireland, passed, ib. and n.

Assiento Treaty, alluded to, iv. 269 n.

Assizes, delay of the, complaint respecting, iii. 326, 327.

Atkinson, Captain, i. 168.

Auckland, Durham, Palace, &c. purchased by Sir A. Haselrigge, ii. 423 n.

Audley, Major, allusion to, iii. 15, 16 n. Examination of, by the Parliament for breach of privilege, 37—45. Petitions the House, 65. Is released from imprisonment, 86.
Aulnegers, proceedings of the Committee relative to, i. 345.
Austin, St., allusion to, iii. 221.
Austria, House of, power of, in 1657-8, ii. 355 n.
Aylmer, Bishop, his justification of himself from the attacks of the Puritans as to his mode of keeping the Sabbath, ii. 267 n.

Bacon, Lord, allusion to, ii. 322 n.
——— Mr. Francis, iv. 173 n.
——— Mr. Nathaniel, ii. 254.
Bampfield, Mr. ii. 405. Chosen Speaker pro temp. 1658-9, iv. 149. Chosen Speaker, 433.
Bampfylde, Colonel, letter of, to Secretary Thurloe, iv. 467 n.
Bangor-house, London, proviso relative to, in Bill for preventing New Buildings, ii. 259 n.
Barker, Rev. Mr., thanks of Parliament presented to, i. 341.
Barking, Essex, petition of inhabitants of, i. xi. Opinion of the Committee respecting, ib.
Barkstead, Sir John, iii. 79 n. Notice of, i. 331. Proviso in Bill concerning New Buildings in London relative to his property in Shoe-lane, ii. 259. Presents to the Parliamnt the Protector's warrant for the imprisonment of various persons, iii. 448. Letter of, 449 n. His letter to Secretary Thurloe on the same affair, iv. 358 n.
Barlow, Mrs. Lucy, imprisonment of noticed, i. cxlvi. n. Pension granted to, by King Charles II., ib Her person described, ib.
Baron, Mr., letters from, to Sir Edward Hyde, on the business of Wildman, iv. 393 n. On the fluctuations and changes in the people, and the state of parties—the remonstrance of the Army—the imprudence of some of the King's party—probable rupture between Cromwell and his Parliament—character of the exiled monarch freely discussed, iv. 423—425 n.
Barrow, Dr., remarkably long sermon by, ii. 372 n.
Barwick, Mr. John, notice of, iii. 96 n. 289 n. Proceedings of Parliament detailed by, iii. 453. His letter to Sir Edward Hyde on the mutual distrust, &c. between parties in the Parliament, 1658-9, iv. 389 n.
Basing, John (Basingstochius), remarks on his erudition, i. 401 n.
Bastwick, Dr., petition presented to Parliament for his widow and children, i. 372. Report of Committee on, 416, 417 n; ii. 105. Bill passed, 159, 204. Persecutions endured by, i. 372. 374 n. His speech to the Lord Keeper, 373 n. Notice of a publication by, iii. 505 n.
Bates, Dr., his account of Cromwell's hesitation about accepting the title of King, i. 420 n. His relation of the reasons of Cromwell for dissolving the Parliament, 1657-8, ii. 463 n. His "Elenchus" alluded to, iv. 272 n. His description of an ingenious contrivance of Dr. Petty, 471, 472 n. Supposed to have poisoned Cromwell, 477 n. Made chief physician to Charles II., ib. Supposed to have poisoned Lord Waristoun, ib. n.
Baxter, Mr., account of an erasure made by, in his "Saint's Rest," ii. 501 n.
Beare, O'Sullivan, allusion to, i. cxxxviii.
Beaumont, Lord, i. 277.
Beavor, Mr., breach of privilege of Parliament committed by him in arresting a member, ii. 146, 147. Summoned to attend the House, and pardoned, 164.

Beckley, Anne and Francis Burghill, their petition for pardon, ii. 20. Bill ordered to be brought in, ib.
Bedford, Earl of, debate on his petition to Parliament relative to a fine for his new buildings, ii. 180—182 and n. The fine abated, 182 n.
Beer-brewers, petition of, read, iii. 595.
Bellasis, Lord, allusion to, i. cxxxviii.
Bench, Upper (the King's Bench), charge against the marshal of, i. 5 n.
Bennet, Colonel, quits the House, contrary to order, iv. 449 n. His excuse, ib.
Benson, Colonel, letter of the Protector to Parliament, relative to the arrears due to the regiment of, ii. 170.
Berkeley, Judge, severity of Parliament to, for his conduct in the affair of Ship-money, ii. 218 n.
——— Bishop, his prophetic idea of the future greatness of America, ii. 324 n.
——— Sir John, allusion to, i. cxxxviii.
Berkshire, election for, iii. 52.
Best, Paul, injustice of Parliament to, i. 65 n.
Bethel, Mr. Slingsby, the Protector's speech alluded to by, iii. 11 n. His observation on the condition of England, 63, 64 n. Remarks by, on the treatment of Colonel Lilburn, 508 n. His account of the debate for limiting the power of the House of Lords, iv. 89 n. His remarks on the Scotch and Irish question, 220. 301 n.
Betteley, Colonel, allusion to, ii. 473.
Bever, Mr., letter of, to Lord Chancellor Hyde, on the petition to Parliament of the English slaves in Barbadoes, iv. 408, 409 n.
Bible, errors in the edition printed by Hill, i. 348. The received translation faulty, ib. Proceedings of the Committee of Parliament appointed to examine the translations of, 351 n. Report of the Committee, ii. 221, 222 n. Dr. Walton's Polyglott Bible alluded to, i. 352 n.
Biddle, John, alluded to, i. 161, 162, iii. 183 n. Publications of burnt, i. cxv. Apprehended, cxvi. Examined, cxvii. Imprisoned, cxviii. Re-examined, ib. His publications examined by a Committee, ib. Declared to be blasphemous, cxxix, cxxx. Bill ordered for the punishment of, ib. His publications ordered to be burnt, ib. Company of Stationers ordered to search for and deliver his works to the Sheriff, ib. Behaviour of Biddle during his trial and imprisonment, ib. Account of his sufferings, and character of, i. 57 n. Committee appointed respecting, iii. 118.
Bingham, Colonel, allusion to, ii. 120.
Birkhead, Mr. (Serjeant-at-Arms.) Parliament recommend the Protector to pay the debts owing to, ii. 20.
Biron, Marshal, account of his entertainment by Queen Elizabeth, ii. 375 n.
Bish, Mr., M.P., assault of, by Major Audley, proceedings relative to, iii. 15 n. 37—45.
Bishops, Protestation of the, in 1641, account of the proceedings in consequence of, ii. 328 n. Their conduct characterized, ib.
Blackstone, Judge, his opinion on Annual Parliaments refuted, i. 403, 404 n.
Blackwell, Captain, debate on Bill for granting lands in Ireland to, i. 244, 245. 282, ii. 102.
Blake, Admiral, Parliament make a present to, for his services against the Dutch, i. vii. Receives the thanks of Parliament, xii. Expedition of, to the Mediterranean noticed, i. cxxxvii. Communication of the

Parliament to the Protector to issue a warrant for the pay of, ii. 256. Account of the victory obtained by him at Santa Cruz, ii. 142 and n. Thanksgiving day appointed for the victory, 143. Present made by Parliament to, 144, 145. His disinterestedness, 144 n. His death, 145 n. Honourable funeral, ib. Conduct of Charles II. in suffering the exhumation of his corpse characterized, ib.

Blasphemy, Milton's opinion of the Act against, i. 392 n. Penalties inflicted by that Act, ib. Noticed, iii. 412, 413 n.

Blont, Mr., &c. Petition of, against Mr. Levingston, for reversal of a fine, debate on, ii. 103, 104, 105.

Bodurda, Mr., remark on a speech of, ii. 433 n.

Bohemia, Queen of, punishment inflicted on Edward Floyd, for libelling, i. 250, 251 n. 278.

Bohemia, account of the Rebellion in, on the execution of the edict of the Council of Trent, ii. 358 n.

Bond, Mr., particulars of the murder of, i. 321.

Bordeaux, Count de, Ambassador from France to Oliver Cromwell, i. cxxxviii. Signed a treaty to exclude Charles Stuart from France, ib. n. Speech of, to Richard Cromwell, at his audience, iii. viii.

Borders, The, Bill for suppressing thefts upon, i. 12. 175. 227. 345, ii. 142. Motion respecting, 282 and n.

Borel, ——, Dutch Ambassador to England, anecdote of, iii. 484 n.

Boteler, Major-General, report of his arbitrary proceedings brought before Parliament, iv. 403. Debate upon, 403—412. His violent conduct to Sir Thomas Hatton, 403. Another complaint laid before Parliament against, 429.

Boulogne Mouth, London, notice of, iii. 507 n.

Bowles, Rev. Edward, letter of to Secretary Thurloe, on the state of parties, 1658-9. Active in promoting the Restoration, iii. 291 n. Account of his intrigues with Monck, ib. 292 n.

Boyle, Honourable Robert, account of the funeral of the Earl of Essex by, ii. 450 n.

Bradshaw, President, Cromwell rebuked by, i. i.

Brandenburgh, Frederick William, Elector of, the alliance of Cromwell sought by, ii. 356 n. Compelled by the Emperor Ferdinand to take part with him, ib. Character of, ib. Character of his son, ib.

Brick-kilns, considered to be wholesome, ii. 221.

Bridge, Major-general, notice of, i. 331.

Bristol, propriety of garrisoning the castle, i. xcii. Bill for maintenance of ministers in, i. 267, 268. Passed, ii. 165.

———, Earl of, petitions the House of Lords for his privilege of peerage and liberty, ii. 415 n. Charles I. sends him his writ, ib. Noticed, iii. 415, 416.

Broderick, Mr., Letter of, to Charles II., desiring instructions for those in the interest of the exiled monarch, iv. 462 n.

Broghill, Lord, speech to Cromwell, to induce him to accept the title of King, ii. 505 n. Remarks upon his speech on the discovery of the conspiracy against the Protector, i. 357. Debate on the Bill for settling lands in Ireland on, in lieu of arrears, ii. 175—179. Motion respecting, 304. alluded to, iii. 276 n.

Broughton, Mr., called upon by Parliament to explain expressions used by him there, iv. 330 n.

Brown, Sir Ambrose, allusion to, ii. 228 n.

Brown, Mr., brought before the House of Commons, ii. 404. Sentence passed on, 406.

Brown, Major-general, his speech on petitioning to have his case considered, iv. 263, 264, 275. Referred to a Committee, 276. Favourable decision, ib. His character, iii. 312 n.
Brownists, The, notice of, i. 87 n.
Buck, John, proceedings on the petition of, i. 359.
Buckingham, Duke of, accused by Parliament of the murder of King James I., ii. 382 n. Screened by King Charles I., ib. His measures to exclude certain persons elected from sitting in Parliament, i. lxxi.
——— ———, debate on his petition to Parliament, iii. 370—376. Called before the House, 435. Released from imprisonment, 436. Allusion to, iv. 271.
Buildings, New, Bill relating to, debate upon the motion to recall order for naming the Committee for, ii. 159, 160, 161. The Protector to name the Committee, 161. Debate continued, ib, 162. Motion relative to, 191. Debate upon the Report, 206, 207. Amendments reported, 221. 223. Read third time, 258. Many provisoes, ib. Proviso relative to Lincoln's Inn Fields, ib. n. 259. Passed, 311 n.
Bullion, amendments to bill for the importation of, reported, ii. 270 n.
Burges, Dr., his book on the sale of bishops' lands, iii. 201. Biographical notice of, 201—204 n.
Burgh, Mr. His observations on King William III. refusing Bill for frequent Parliaments, ii. 452 n.
Burke, Mr. remark on his "Reflections," iv. 80 n.
Burleigh, Lord, manœuvre of, to prevent Queen Elizabeth from reading a letter, iv. 135 n.
Burnet, Bishop, his opinion on the subject of the clergy reading their sermons, i. 359 n. Anecdote of, ib. Evelyn's opinion of, ib. Observations by, on the genius of the English nation, ii 417 n. Books recommended by to the Princess Sophia, ib. His advice to Lord W. Russel alluded to, ib. His account of King William III. refusing the bill for frequent Parliaments, ii. 452 n. Observations on the retirement of Richard Cromwell by, iv. 484 n. Allusion to, iv. 188.
Burton, Mr. Persecuted by the Star-chamber, 373 n. his imprisonment, iii. 47 n.
——— Thomas, charge of disaffection brought against, i. 166 n. This Diary written by, ii. 159 n. Allusion to, iv. 317 n. Notice of, preface.
Busby, Dr R., his severity proverbial, iv. 243 n.
Butler's Hudibras, Bishop Burnet's opinion of, ii. 417 n.
Butter, transportation of, allowed, i. lx.
Byllyng, Edward, the Quaker, insulted by the soldiers, iv. 446 n.

Calais, members of Parliament sent by, iv. 182. Its capture by the Duke of Guise, ib n.
Calamy, Mr., biographical account of, ii. 320 n. His inconsistent reasoning on the death of King Charles I., ib. Persuaded Monck to restore Charles II., ib. His disappointment at the consequences of that event, ib. Attacks Monck from the pulpit, 321 n. His grief on the destruction of London, ib. His opinion of Cromwell's assuming the kingly power, ib. Appointed to preach before the Parliament, iii. 12.
Callender, Lord, debate upon the motion to grant a pardon to, ii. 76, 77.
Calvin, John, his opinion respecting the institution of the Sabbath, ii. 267 n His character stained by his betraying Servetus, iii. 206 n. His hatred of Castalio, alluded to, ib.
Cambyses, anecdote of, iv. 191 n.

Capel, Lord, alluded to, vol. ii. 476. iii. 421 n. Beheaded, 422. His heroism on the scaffold, ib.
Captives, clause for the redemption of, discussion respecting, ii. 167. Referred to sub-committee, 168.
Carew, Mr., committed to prison, i. cxxxvi.
Carlisle, Earl of, debate upon a bill relative to his estate, i. 20.
——— Bill for changing the market-day of, passed, ii. 120.
Carnarvon, debate upon the petition from, iv. 224, 225.
Carpenter, Thomas, examined by Parliament, i. cxxiv. Committed for vending religious books, ib.
Carter, Mr. Richard, Bill relative to the estate of, proceedings on, i. 2. 81. 148.
———, Colonel, motion for a grant in lieu of arrears due to, discussion on, ii. 304.
———, Sir John, attacked by the Cavaliers, iv. 463 n.
Carthaginians, anecdote of the, iv. 355.
Cartwright, Major, his opinion on Annual Parliaments, i. 404 n.
Caryl, Mr., notice of, i. 79. 334. 359. Thanks of Parliament voted to, 340.
Cassandra, prophecies of, alluded to, iv. 355.
Castalio, —— beautiful sentiment in his preface to "Biblia Sacra," iii. 206 n.
Castle Rising, discussion before committee relative to the election for, iii. 50, 51. iv. 318. Declared illegal, 350, 351. Account of the violent proceedings of the friends of Mr. Goddard and Colonel Jermy at the election, ib. n.
Catechism, proceedings upon the Bill enjoining ministers to catechize, i. 376. Referred to a committee, ib. Discussion upon, ii. 202, 203. The Protector postpones his consent to it, 205. Remark respecting, 206.
Cathedrals, all offices and titles connected with, abolished by Parliament, ii. 233 n.
Cavaliers, plots of, for restoring Charles II., i. vii. civ. cxxxvi. cxxxvii. Discussion upon a Bill for imposing a tax for maintaining the militia on, 230—243. Account of the rising of, 231 n. 308. 310. 320. 331. 340. Disturbed at their devotions on Christmas-day, account of, ii 314 n, 315 n. Offices of trust not allowed to be held by, ii. 34, 35. Debate on the question for sending them out of London, iv. 461—463. Resumed, 464, 465. Declaration for excluding them, iv. 477. Form of the declaration, ib. n.
Cecil, ——, engaged in the plot to assassinate Cromwell, examined, i. 355, 368. The Parliament propose to the Protector to pardon him, 390.
Certiorari's, the abuse of inquired into, i. lxi n.
Cesse, or Casse, explanation of that term, ii. 249.
Chadwick, Peverell Court, discussion of a petition against, iv. 360.
Chancery, Court of, abolished, i. vi. Ordinance respecting, i. l. Execution of the ordinance suspended, xcvi. Bill to regulate the, motion respecting, ii. 80.
Charing-Cross, London, allusions to, iii. 47 n. 110 n.
Charles I., King, account of the coronation of, 219 n. 220 n. ill success of his attempt to introduce the Liturgy into the Church of Scotland, iii. 90 n. Earl of Glamorgan engaged in forwarding his favourite project of a coalition with the Irish Catholics, 372. Account of his going to the House of Commons to demand the five obnoxious members, 92 n. Remarks on that rash measure, 93 n. Requires from Rushworth a copy of his speech on that occasion, ib. Account of his visit to the City to de-

mand the members, 94 n. His declaration to the City respecting the land granted to them at Londonderry, 95 n. All honours conferred by, made void after taking away the Great Seal, ii. 21, 22 n. New lords created by him in order to save Strafford, 22. His execution protested against by Mr. Calamy, ii. 320 n. Mr. Calamy's reasons refuted, ib. Vessels carrying out emigrants prevented by him from sailing without licence, ii. 324, 325 n. Prevents Cromwell from emigrating, ib. Duke of Buckingham screened by him from the Parliament's attack on him for the supposed murder of King James I., 382, 383 n. Conference at Hampton Court alluded to, 423 n. Whitlocke's grief at the sentence passed on him, 431 n. Some of the Judges decline accepting new commissions on the death of, 431 n. House of Lords reject the ordinance for his trial, 434 n. Ordinance for the trial of, passed by the sole authority of the Commons' House, ib. Remarks on, ib. His consent to the laws declared not to be necessary, 435 n. Horror entertained respecting the shedding his blood, 449 n. His power of creating peers limited, 453 n. His dissolving the Parliament alluded to, iii. 54, 55 n. Illustrations of the character of, iii. 67 n. Remarks on his contest with the Parliament, and his condemnation, 173—176. Accused of seducing the Army, 206. Remarks on his conduct, 213, 214. His charge to the Duke of Gloucester, iv. 34, 35 n. His proclamation against taking the Covenant, iv. 209 n. The breach of privileges of Parliament committed by, alluded to, 259, 260 n. Remarks on the fast on anniversary of his death, ii. 391 n. Extracts from his Answer to the Marquis of Worcester on the antiquity, &c. of the Romish Church, iii. 371 n. Allusions to, iii. 92—97. 372. 387. 422—424 n. 534.

Charles II., King, Project of his marrying one of Cromwell's daughters, i. 358 n. Remarks of the newspapers upon, during his exile, 368 n. Intrigues for his restoration, 1657-8, ii. 463 n. i. cxxxvi. Not suffered to remain in France, cxxxviii. Remarks on his profligacy, iii. 273. Pension conferred by, on Mrs. Lucy Barlow, i. cxlvi. n. Account of his taking the Sacrament, ib. "Most religious King," that designation first applied to him, iii. 274 n. Remarks on that designation, ib. Little consideration experienced by him on his journey to the Pyrenees, 294. General Monck in his interest in 1655, 326 n. Accepts the crown of Scotland, on the conditions of the Scotch Commissioners, 372, 373 n. Oath taken by him on that occasion, 373 n. His declaration from Dumfermling, ib. Anecdote of, ib. His uneasiness about signing the declaration, ib. Sermons preached before him without intermission, 374 n. His coronation at Scone described, ib. Satirical publication on that occasion, 396, 397 n. Honours paid him by the States General, in Holland, on the eve of his restoration, iii. 484. Reason urged by him for undertaking the Dutch War in 1672, ib. Anecdote of, ib. The death of Sir H. Vane a favourite project of his, ii. 184 n. His letter to Lord Clarendon on this subject, ib. Dunkirk sold by him to France, iii. 488 n. His slavery to his mistresses, ib. Anecdotes of, ib. 489. Character of, 576. Opinion respecting, iv. 484 n.

Charles X., King of Sweden, his successes against Denmark, iii. 378 n. reverses of fortune experienced by, ii. 358 n. State of his affairs, 359 n. His death, 360 n.

Châtel, ——, the assassination of Henry IV. attempted by, and his execution, i. 239 n.

Chatham, Earl of, his eulogium on May's History of the Parliament, ii. 443 n. his censure of Clarendon, ib.

Cheshire brigade, proceedings in Parliament upon the Protector's letter respecting the, i. 200, 201. 353.
Cheshire, discussion before a Committee relative to the elections for, iv. 429, 430.
Chester Castle, propriety of garrisoning, i. xcii.
Chevalier, The, refused to recognize his grandfather's martyrdom, iii. 424 n.
Cheynell, Dr., sermon by, i. xxxvi. Biographical notice of, xxxvii.
Chichester, city of, services rendered by, to the Parliament, ii. 110, and n.
Chidley, Samuel, brought before Parliament respecting an obnoxious publication, i. clxxxv. Committed, ib.
Chillingworth, William, allusion to, i. xxxvii.
Christianity, account of its introduction into Britain, i. 400—402.
Christina, Queen, her abdication of the throne of Sweden alluded to, ii. 76 n.
Christmas-day, discussion upon the Bill for preventing the observance of, i. 229, 230. Royalists dispersed at their devotions on, and the ministers arrested, ii. 314, 315 n.
Church, Mr., refuses to sign the Protector's recognition, i. xxxvi.
Chute, Mr., proposed as Speaker of the House of Commons, 1658–9, iii. 3. Remarks on, ib. n. Takes the Chair, 4. Addresses the House, iv. 90, n. His illness, 90. 92 n. Interest felt for him by the House, 150 and n. His acknowledgments to the House for their kindness to him, 203. His death, 430. Character of, 430, 431 n.
Claims, Bill for the confirmation of, 1656, i. 269.
Clapham, Mr., trial between, and his tenants noticed, i. 6, 7, 19.
Clare, Lord, debate upon the petition of, to Parliament to abate his fine, ii. 206, 207. Negatived, 207 n.
Clarendon, Lord, his History of the Rebellion alluded to, ii. 322. His account of Colonel Lilburn's trial, iii. 507, 508 n. Remarks on Cromwell's administration by, iv. 47, 48 n. Passages omitted in former editions of his History, 437 n. The State Papers referred to, 368. 391, 392, 393. 424, 425. 450, n. Letters of, to Secretary Nicholas, giving his opinion of the Duke of Buckingham, iv. 391 n. Letters of, to Mr. Mordaunt, advising him to confer with Massey and others, in the royal interest, 392 n. On the despondency of Massey, at the apparent coldness of their party, 393 n. On the misunderstandings in the Parliament; expresses his hope of mutual confidence in their party; difference between Cromwell and Desborough, and speculations on the consequences of it, 402 n. Regrets the death of the Speaker 431 n. Surprised at not hearing any thing of Bradshaw, &c., 436 n. His new palace alluded to, iv. 426 n. Anecdote related of Richard Cromwell by, 485 n. Remarks on the veracity of his History, ii. 443, 474. n. Part taken by, in the judicial murder of Sir H. Vane, ib.
Clarges, Dr., letters of, to Henry Cromwell,—on the petition presented by Mr. Berners, iii. 290. Giving an account of the debate on the question of "transacting" with the other House, iv. 88, 89 n. Respecting the charge brought against Dr. Petty, 248 n. On the question about "transacting" with the other House being passed, 299 n. On the debate upon the Excise, Revenue, &c., and on the meeting of the officers of the Army, 449 n. Respecting the orders of the Protector to the Army; doubts entertained of their obedience; probability of a rupture between the two Houses, 461, 462 n. His exertions for Dr. Petty, 467 n.

Clarges, Nan, (Duchess of Albemarle,) her low birth, and character, i. 306, iv. 437 n. Her strong attachment to the Presbyterians, ib. Her influence over her husband, ib.
Clement, Mr., his case against the children of Mr. Cogan, discussed, iv. 439.
Clergy, disenabled from sitting in Parliament, by Act of Charles I. i. xcvii. Act to take away the legislative power of, passed, 391. Their wealth, iii. 467 n. Petition to reduce their wealth, 467, 468 n.
Cleveland, Duchess of, (Mrs. Palmer,) her power over Charles II., iii. 488 n. Character of, ib. All promotions passed under her cognizance, ib.
———— J., his epitaph on the Earl of Strafford, iv. 156, 157 n.
Cleypole, Lady Elizabeth, her death noticed, ii. 477 n. Regret of the Protector on the occasion, ib.
Clifford, Lord, Richard Duke of York butchered by, at the battle of Wakefield, iii. 584 n.
Clothworkers, Company of, cause pending between them and the Company of Merchants debated, i. 115, 116 n. 175. 221. 308—310.
Cobbett, Lieutenant-colonel, account of his death, i. 331.
Cobham, Lord, debate upon the Bill to enable him to levy a fine upon his land, i. 184. 190.
Cogan, Mr., petition of the children of, discussed, iv. 439.
Coke, Sir Edward, made a sheriff in order to prevent his being returned to Parliament, i. lxxi. n.; ii. 322 n. his Institutes alluded to, 381, iii. 171 n. The Petition of Right drawn up by, ib.
Colchester, services rendered to the Parliament by, i. 203. Debate respecting an election for, iii. 65. 152. iv. 223, 224.
Cole, Mr., cause between him and Mr. Rodney, discussion of, iv. 1. His petition considered, iii. 306.
Collingwood, Sir Robert, breach of privilege of Parliament committed by, ii. 219—221. Directed to appear, 271. Alluded to, 374. Attends the House, 375, 376. Discharged, 379.
———— Mr., breach of privilege of Parliament committed by, ii. 219—221. Denies the charge at the bar of the House, 271. Discharged, ib.
Comines, Philip de, biographical notice of, iii. 125—128 n. Alluded to, 191.
Common Bench, message of the Judges of the, to Parliament, proceedings upon, iii. 18—21.
Commons, House of, contrast between its ancient and modern practice, i. 36, 37 n.
Commons, Bill for dividing, debate on, i. 175, 176.
Coney, Mr., proceedings respecting his imprisonment, iii. 167 n. Petition of, relating to some estates purchased by him, iv. 390
Confession of Faith, clause in, as to the power of the magistrate in religious matters, iv. 343 n.
Conti, Prince of, anecdote of, iv. 485 n.
Convocation, The, remarks on the business transacted by, ii. 439 n.
Cook, Captain, motion to put off the trial of, debated, ii. 172. 175.
Cooke, Mr. Justice, letter of, from the Tower, previous to his death, iii. 110 n. Account of his execution, 110, 111 n.
Cooper, Sir Anthony Ashley, (Lord Shaftesbury,) services rendered by to the Parliament, i. 204 and n. Remarks on a speech of, ii. 419 n. His licentiousness, ib. One of the referees appointed for the reformation of the laws, 420 n. Instrumental in restoring Charles II. iv. 50 n. His letter to that monarch while prisoner in the Tower, 51 n. His politi-

cal inconsistency, ib. His talent in the field, ib. Bold speech of, against "transacting" with the other House, 287, 288 n. His intrigues for King Charles II., ib. 109 n. 457 n.
Cooper, Mr., his election for Hertford declared good, iv. 250. 299.
——— Rev. Mr., appointed Chaplain by the Parliament, iii. 17 n. His salary for officiating, ib. Biographical notice of, ib.
Coote, Sir Charles, allusions to, iv. 273, 274 n.
——— Sir Christopher, allusion to, ii 65.
Cork and Orrery, Earl of, his account of the state of France in 1754, iv. 80 n.
Corn, motion respecting the low prices of, i. xlix. Exportation of allowed, lx. Fluctuating prices of, in 1557, lxxxv.
Cornwall, distribution of members to serve for, in Parliament, i. cxi. n.
Corpus Christi College, Oxford, petition of the President, &c. of, respecting a presentation, debate on, i. 268.
Cosin, Dr., remarks on some prayers published by, i. 307 and n. Notice of him, 307 n. Articles of impeachment brought against him by the House of Commons, iii. 89 n.
Cottington, Lord, his censure of Dr. Bastwick, &c., i. 373 n.
Cottrell, John, committed for contempt, i. cxxiii.
Council of State, resolution of Parliament respecting i. ii. Reasons why the election of the Protector should be vested in, i. lv—lvii.
Courtney, Captain, committed to prison, i. cxxxvi.
Covent Garden, fine levied upon the Earl of Bedford for his buildings in, ii. 180 n.
Covenant, Scottish, model of it sent to the English Parliament in 1643, and approved of by them, iv. 208, 209.
Coward, Dr., his books condemned by Parliament, i. 306 n.
Cranston, Lord, debate upon the motion to grant a pardon to, ii. 76, 77. His services to the Commonwealth, 76.
Craven, Lord, petition of, praying a reversal of the Parliament's judgment against him, read, i. lxi.; ii. 125, 126. His counsel plead before the House of Commons, 126, 127. Debate upon, 129—130. 158. Motion respecting, 344. Debate on, 344—346. Motion respecting, 375. Petitions for a passport to return to England, iv. 390. Debate upon it, 390—393.
Creditors, Bill for relief referred to a Committee, i. xxxix. read, i. 5. ii. 191.
Cromwell, Thomas, Earl of Essex, remarks on his disgrace, iii. 521 n. Cause of his death, ib. Account of his arrest, 522 n. Remarks on the crimes of, ib. n. Humiliating letter written by to King Henry VIII., 523 n. Remarks on his administration, ib. n.
Cromwell, Oliver, Proceedings of, on dissolving the Long Parliament, i. i. notice of a pamphlet charging him with High Treason, i. xii. Inaugurated as Protector, xv. Concludes a peace with Holland, xvi. Verses in honour of, ib. State with which he went to the House of Parliament, xviii. xix. Opening of the Parliament, 1654, by, i. xviii. His speech in the Painted Chamber, xviii. xix. Ordinance by, making it treason to speak against the present Government, xxii. xxiii. Prevents the entrance of the members to the House, xxxiii. Speech of, ib. xxxiv. Members of Parliament sign their allegiance to, xxxv. Speech of, ib. Invested with the legislative authority by the Parliament, xl. xli. Orders Major-general Harrison to be arrested, xxxvii. n. Secrecy with which he carried on his measures, xxxviii. Council appointed to assist, xli. Powers vested in, by the Parliament, xlii—xlvi. Title of Emperor said to have been given to, xliv. Resolution of Parliament on the Ordinance relative to, xlix. His office declared elec-

tive, lii. liii. Answer of, to Parliament, on the proposed reduction of the army, xci—xciii. Empowered to nominate the Council, cvii. Dissolves the Parliament, cxxxiii. His speech on that occasion, ib. Remarks on that measure, cxxxiv. cxxxv. Removes to Hampton Court, cxxxvii. Ambassador from France sent to, cxxxviii. Protects the foreign Protestants in his treaty with France, cxxxix. n. Divides England and South Wales into military districts, cxl. his Conversation with Lord Orrery, relative to Charles II., cxli. His opinion of Charles II., ib. Interesting conversation of, with General Ludlow, on his refusing to submit to the Government, cxlii. Desirous of conceding to the Jews the rights of citizenship, ib. cxliii. Assembles a council of Merchants, ib. His conduct respecting the press, cxliv. His hasty dissolution of the Parliament noticed, cxliv. His conduct towards the victims of religious intolerance, ib. Fleet sent by, to West Indies, cxlv. Opens the Parliament, 1656, i. cxlvi—cxlviii. Speech of, cxlviii, clxxix. Gives his consent to various Bills, cxc. cxci. His lineage described, ii. 523, 524 n. Manner of his passing a Bill, i. 21. Names of the knights created by, 136. Proceedings on his letter relative to the Cheshire brigade, 200, 201. His letter to the Parliament, concerning the sentence passed on Nayler, the Quaker, 246. His proclamation respecting the merchant adventurers alluded to, 309. Account of the plot of the Levellers to destroy him, 332, 333. Proceedings of the Parliament respecting the plot, 354—366. 368. Remarks on the attempted assassination of, 368 n. Thanksgiving-day appointed for his escape from assassination, 371, 372. A brief relation of the plot to assassinate, ii. 483—488. Address of the Speaker on his deliverance, 488—490. Cromwell's Reply, 490—493. First hint of the project for making him King i. 362. The House of Commons dine with him, i. 377. Address of the officers to, deprecating his accepting the title of King, 382. His speech to them, ib. 383—385. His violence to the Long Parliament applauded by his flatterers, 383 n. Refuses the Crown, 394 n. Milton's opinion of, ib. The Petition and Advice presented by the Parliament to, 397. Address of the Speaker to, 397—413. Cromwell's reply, 413—416. Account of this transaction, 416 n. His answer to the Petition and Advice, 417—420. Whitlocke urges him to accept the title of King, 417 n. His hesitation, 420 n. The Parliament present reasons to him for his acquiescence, 421, 422. His arguments against Kingship, 422 n. Committee of Parliament wait on him to resolve his doubts, ii. 1, 2, 3, 4, 5, 6. Answer of Cromwell, 7. 493—507. Report of the Committee, 8, 9. Committee directed to attend him, 94. Committee's report to the Protector, and Cromwell's reply, 101. Anecdote of Dr. Owen's introduction to, 97. Sends Sir John Reynolds with troops to France, ii. 115. His message to Parliament relative to the Petition and Advice, 111. 116. Directs Fleetwood to silence the petition of the Officers of the Army, 117 n. Refuses the title of King, 117 n. 507—509. Parliament resolve "Lord Protector" be the title of the Chief Magistrate, 118, 119. The Speaker's report to him, 123. A crown made for him, 117 n. His family expected that he would assume the regal dignity, 118 n. Distrustful of the Army in the affair of Kingship, ib. Account of his consultations with his Council upon this subject, ib. Relation of the discovery of pamphlets recommending his assassination, 134. Anecdote of, 141 n. Religious toleration of his government, 150 n. His letter to the Parliament, announcing his intention of proroguing them, 155. His message to Parliament on the Bills of Assessment, 180. Address

of the Speaker to, on presenting Bills for his consent, 205. Protector's remark on one of them, ib. Observation on, 206. His speech to the Parliament, thanking them for the Money Bills, 206 n. Debates in Parliament upon the oath proposed to be offered to, under the Petition and Advice, 274—287. Form of the oath, 287. Oath administered to, on the taking away the engagement, 279 n. Parliament desire the Protector to call the other House, 298 n. Debate on the investing of, 302, 303. Confers knighthood on Captain Stayner, 289. Assents to the oath prepared for him by the Parliament, 305 n. His letter to the Parliament on the arrears of regiments alluded to, 305. Orders of Parliament relative to the oath to be taken by, and the investing of, 309. Meets the Parliament in the Painted Chamber, 310, 311. Consents to the Petition and Advice, 311. Account of the ceremony of his investiture as Protector, 311 n, 312 n., 425 n. 511—515. Resigns the Chancellorship of the University of Oxford, 314 n. Conspirators against, taken, ib. Reproves Rev. Mr. Gunning for preaching, 315 n. Marriage in his family, ib. Admits the secluded members to the Parliament, 316 n. Policy of that measure considered, ib. Anecdote of, 321 n. His speech to the Parliament on accepting the Petition and Advice, 1657-8. 322—330 509, 510. Remarks on the Speech, 322 n. His elation after the battle of Worcester, 346 n. His speech to Parliament on the state of affairs, 351—371. Remarks on the speech, 351 n. Displeased with the reply of the Commons, 379, 380. The Lords called together to sit in the Other House, 415 n. Motion made in Parliament to draw up a Bill to invest with the title of King, 424. Antiquity of his family, 425 n. His picture exposed with verses affixed to it in the Royal Exchange, ib. Curious sermon by, 426 n. His difficulty in filling the "Other House," 450 n. Account of his dissolving the Parliament, 1657-8, 462 n. His reasons for dissolving them, 463, 464 n. Remarks upon the outrage committed by, upon the Long Parliament, iii. 56, 64 n. Act of the Long Parliament respecting the exercise of the elective franchise concealed by him, 74. Account of his dissolving the Long Parliament, 209, 210. The strict discipline of his army, 187 n. His behaviour at the interview between Charles I. and his family, 211 n. His suspicions of the treachery of Monck, 326 n. His devotion, 211 n. Deserts the Major-generals, 527 n. Observations on the war carried on by him against Spain, 388, 389. Gained over by Mazarine, to make war on Spain, 389. Advantages given up by him on concluding a peace with Holland, 390, 391 n. Remark on his refusing the kingly dignity, 414 and n. Letter of, directing the arrest of General Harrison, &c. 494. Description of a medal struck in honour of, iv. 15. Arbitrary proceedings of, 47, 48 n. Convention of laity and clergy appointed by, for the regulation of public preachers, 74 n. His arbitrary warrant for the imprisonment of Colonel Overton, &c. 151 n. His name affixed to the Covenant, 209 n. Directs an embargo to be laid on all ships of war in the Thames, &c. 1658-9. 235 n. Speech of, on dissolving the Parliament in 1658, ii. 465—470. His critical situation, 471. Endeavours to conciliate the citizens of London, ib. His leniency in the punishment of State offenders, 472, 473, 574 n. His death, 476. Accused of procuring the banishment of Colonel Lilburn, iii. 506 n. Account of his death, ii. 516. The lying in state described, 517. Account of the funeral procession, 518—530. Character of, 478—480. His administration characterized by liberality, ii. 479. Richard Cromwell appointed his successor, iii. iv. Hampden's opinion of, ii. 501 n. Said to have been superstitious with regard

to September, i. xvii. Residences set apart for, cxxi n. Invitation to attend his funeral, ii. 526 n. Inscription over the bed of state, 530. Projected the foundation of an University at Durham, 480 n. Charter relative to, 531—540. His policy in connecting himself by treaty with France, i. cxxxviii n. Affected to be fond of pastoral life, ii. 466 n. His body exposed at Tyburn, 477. Allusion to, ii. 467 n. Anecdotes of, ii. 325 n.

Cromwell, Richard, elected Chancellor of the University of Oxford, ii. 314 n. Account of his installation, iii. iii. iv. Accepts the Protectorate, ii. Account of the proclaiming him Protector, iv. vii. n. viii. n. Addresses presented to, on his accession, v. and note, vi. Rushworth dedicates his Historical Collections to, v. n. His prosperous situation on his accession, vii. Proceeds to open the Parliament, 1658-9, vi. n. Extract from the Schedule of debts presented to Parliament by, 366 n. Speech of, as Protector, on opening the Parliament, 1658-9, iii. 7—11. Styled Richard IV., 65. Allusion to, 74. Anecdote of, 153 n. Character of, 161—164 n. 221 n. Bill for Recognition of, debates on, 26—32. 86—152 155—201. 204—232. 252—287. 316, 317—324. Letter of, to the Parliament, 307. Debate upon the letter, 308—310. His letter to the Parliament relative to the Petition of the officers of the Army, 379. Remarks on his fears with respect to the Parliament, 424. Declaration for the security of, passed, iv. 477 n. Parliament dissolved by, 482. Proclamation on the occasion, 482, 483 n. Compelled by the officers of the Army to adopt this course, 482 n, 483 n. Character of, 484—486. His discussion with his Council before resigning, 486 n. Advice of his lords, ib. His reply, ib. Bishop Burnet's observations on his retiring from public life, 484 n. Dr. Priestley's remark on, ib. Anecdote related by Lord Clarendon of, 485 n. Dr. Harris's defence of, ib. Rev. Mr. Howe's defence of, ib. 486 n. Mrs. Hutchinson's character of, ib. His death, &c. ib.

Cromwell, Henry, debate upon the bill for granting the park, &c. of Portumna to, i. 223. 259. Letters of, to Secretary Thurloe—Remarks on the effects of party spirit in the Parliament, iv. 221 n. His opinion of Dr. Petty, 248. 249 n. Letter of Dr. Clarges respecting Dr. Petty, 467 n. Recommends Dr. Petty to Thurloe, 471 n. Letter to, on the naval expedition to the Baltic, 1658; on the release of Portman; and on the debate on the Other House, iii. 594, 595 n.

Cromwell, Colonel, changes his name to Williams, iv. 489 n.

Crooke, Alderman, his case alluded to, i. 280.

Crow, Rev. Francis, letter of, on the state of Jamaica, and remarks on the Slave Trade in 1687, iv. 269 n.

Crowe, Sir Sackville, debate upon an application by the Turkish Company to stay proceedings in an action brought by, ii. 98—100. Observations on, 98 n. Action postponed, 174. Case brought before the Parliament, 254. Referred to a Committee, 255.

Culpeper, Sir John, humorous speech of in the Parliament of 1640, iv. 93 n. Alluded to, i. cxxxviii.

Cumberland, state of the Popish Recusants in, ii. 150.

Customs, The, bill relating to, read a second time, ii. 163. Debate on, ib. 164, 174. 255, 256. Debate on third reading, 271—274.

D

Dahomy, King of, curious exhibition at the residence of, ii. 475 n, 476 n.

Dalrymple, Sir David, alluded to, iv. 435 n.

Daney, Philip, examined by Parliament, and committed for vending religious publications, i. cxxiv.

Danvers, ——, alias Villiers, accused of acting against the Parliament, debate upon, iii. 241—252.
Darnall, Mr. Ralph, debate on the petition of, for arrears of salary, i. 266.
Dartmouth, discussion relative to the election for, iii. 578. iv. 235, 236.
Davenant, Sir Thomas, one of the conspirators against the Parliament, ii. 443 n. Entertained the project of emigrating to the New World, 444 n. Imprisoned in the Tower, ib
——— Charles, his opinion upon the right of Kings to make war, iii. 313.
Davies, Mr. privilege of Parliament claimed by, discussion upon, ii. 269.
Dean, forest of, debate upon the act relating to, i. 37. 228, 229.
Dean of Guild, allusion to the, i. 14. 16.
Dean and Chapter lands, made liable to assessment, ii. 233.
Debtors, bill for the relief of, read, i. 5 n, 377. Motion to revive, ii. 245.
Debts, Small, Bill for the recovery of, report ordered, ii. 256.
Declaration of the Parliament of 1642, notice of, ii. 323 n.
Deer-stealing, cruel punishment inflicted for, i. cxxxv n, cxxxvi n.
Defensor Fidei, origin of that appellation, iii. 486 n. Remarks on its applicability to several of the monarchs of England, ib.
De la Mare, Lord, notice of, iii. 416.
———, Sir Peter, the first Speaker of the House of Commons, iii. 449.
Delamere, Lord, (Sir G. Booth,) account of his defeat by the Parliamentarians, iii. 293 n. His unsuccessful attempt to escape, ib. Examined at the Tower, 294 n. Released, 295 n. His death, ib.
———, (son) James II.'s remark on, iii. 295 n. Dismissed from office by King William III., ib.
Dendy, Serjeant, his petition relative to some lands in Ireland considered, i. 198. 202. Debate on his right to those lands, ii. 66, 67.
Denmark and Sweden, account of the operations in the war between, iii. 376—384. Debate in relation to, 384—403.
Denn, Mr. breach of privilege of Parliament committed by his being arrested, motion on, ii. 146, 147. Declares himself satisfied, 164.
Deptford, proviso respecting the Mole at, proposed to be inserted in the Bill concerning New Buildings, ii. 223.
Derby, Countess of, her heroic defence of Latham House, &c. against the Parliamentarians, alluded to, i. 197 n. 215.
——, Earl of, beheaded by the Parliament, i. 197 n.
———, motion for confirming a grant of 500*l.* per annum, debate upon, ii. 80. Resolved, 81. Remark upon, 242.
Dethick, Sir John, remarks on his reprehensible conduct, iii. 77 n.
Devizes, Bill for holding the Sheriff's court at, read first time, i. 168. Referred to a Committee, 228.
Devonshire, account of the charitable benefactions left to parishes in, ii. 189 n.
D'Ewes, Sir Symonds, account of his MS. collections, i. 342 n. Chosen Member of Parliament during his Shrievalty, i. lxxii.
De Witt, Pensionary, notice of, iii. 548 n.
Dick, Sir William, motion relative to the creditors and children of, ii. 253. Reported, 261.
——, Sir Andrew, petition of, for monies due to his late father, presented, iv. 413.
Directory for Public Worship, notice of, ii. 68 n.
Disbrowe, Colonel, discussion relative to his election for Lynne Regis,

i. clxxxv. Richard Cromwell compelled to dissolve the Parliament of 1659 by, iv. 482, 483 n.
Divines, motion for a convocation of, debate on, ii. 333—336. Waved, 336. Proceedings of the Assembly of 1643, 333 n., 334 n.
Doddington, Sir Francis, alluded to, i. cxxxviii.
Dorislaus, Dr. account of the assassination of, iii. 489 n.
Downs, The, naval engagement with the Dutch in, alluded to, iii. 380 n.
Downing, Sir George, Wood's character of, ii. 192 n. Caricature of him, ib. n. His base betrayal of his former friends, iii. 79. Allusion to, ii. 122. iii. 548 n.
Drew, Mr. Joseph, discussion upon his case in Parliament, iv. 381—383.
Drunkenness, &c., laws relating to, referred to a Committee, i. clxxxii.
Drury House, motion relative to arrears in the hands of trustees of, ii. 139.
Dryden, John, lines by, on the return of Charles II. alluded to, iv. 148 n.
Duckett, Thomas, examination of, by a Committee of Parliament, noticed, i. 284.
Dunbar, battle of, alluded to, i. xvii. cxlvii.
Dunch, Captain John, notice of, i. 284.
———, Edmund, created Baron Burnell by Cromwell, iii. 355 n. Preamble of the patent, ib. Becomes a partizan of the exiled King, ib.
Dunkirk, remarks on the sale of, to the French by Charles II., iii. 488 n.
Dunstan's, St. parish of, amount of its assessment, in 1656, i. 211.
Durham, Cromwell proposed to found an University at, ii. 480. Charter for, 531—540. Debate upon an election for, iv. 309, 310. Referred to a committee, ib. 311, 312. Petition from, on the subject, 309, 310 n.
Dury, Mr. John, patronized by Cromwell, ii. 313 n. His scheme for reconciling the Lutherans and Calvinists alluded to, ib.
Dutch, their mercenary character, ii. 362. Their conduct with respect to Charles II. in exile, ib. The war between, and the Parliament alluded to, iii. 380. Dispersion of their fleet, 381 n. Remarks on the treaty of peace with, 482. Account of secret article to, 484 n. Court paid by them to Charles on the eve of his restoration, ib.

East India Company, charter granted by Cromwell to the, i. 387 n. Allusion to, 280.
———— Dutch, massacre committed by, on the English at Amboyna, iii. 391 n.
Edgehill, battle of, noticed, iii. 95, 96 n.
Edward II., King, allusion to, i. 400.
——— III., King, number of laws passed in his reign, ii. 42.
———, VI., King, his royal injunctions to the clergy on the observance of the Sabbath, ii. 267 n. Allusion to, iii. 585 n.
Edwards, Thomas, his virulence against toleration, i. 65. n.
Edwin, King of Northumberland, account of his conversion to Christianity, i. 401, 402 n. Milton's account of, 402 n.
Elizabeth, Queen, her life preserved by King Philip II., iii. 485 n. Sometimes professed the Romish faith, ib. Philip proposed marriage to, ib. the oath *ex officio mero*, one of the blemishes of her reign, 153 n. Account of the entertainment given by, to Marshal Biron, 475 n. The negative voice largely exercised by, 451 n, 452 n. Enactment for the protection of, iii. 404. Her despotism in religious matters, 412 n. Her chastity problematical, 134 n. Said to have had a son, ib. Revenue of England in her reign, i. cxxii.

Ellis, Sir William, allusion to, ii. 20. Created a baronet, iv. 183 n.
Elwood, Sir Thomas, bill to enable him to sell his lands, read second time, i. 20.
Ely, Isle of, petition of, relative to the fen grounds, read, i. cxx.
Emigrations from England, account of the, ii. 324 n.
" Engagement," The, to the commonwealth not generally well received, ii. 279 n.
England, remarks on the early history of, iii. 513 n. On the Anglo-Saxon government, 576 n. Power of the Barons of, iii. 88 n. Origin of the power of the Commons, ib. 89 n. Opinion upon the state of, ii. 471 n. A. Sydney's remark on the supremacy of the law in, i. 399 n. Observations on the Kings of, 400—403. Account of the naval victory gained by Blake at Santa Cruz, ii. 142, 143. Proceedings of Parliament in consequence, 145, 146. Increase of papists in, 152, 153. Bill for the assessment of, read first time, i. 377. Debate upon, ii. 171—174. Debate upon the proportion for, as well as Scotland and Ireland, 207—214. Debate upon the proportions of the several counties, 214—219. 226—228. 229—237. Account of a collection of prophecies relating to the history of, 425 n. Revenue of, as settled by the " Petition and Advice," 457 n, 458 n.
England, New, account of the emigration of the Puritans to, ii. 324 n, 325 n.
Epworth, co. Linc., petitions of the tenants of, debate on, i. 199, 200.
Erbury, Dorcas, account of the proceedings against, as a Quaker, i. 173, 174.
Essex, Earl of, siege of Gloucester raised by, ii. 107 n. Appointed Captain-General of the Parliamentary army, 448 n. His address to his soldiers, ib. Ludlow's opinion of, 449 n. Charged with losing opportunities of putting an end to the war, ib. His death, ib. His funeral described, 450 n. Alluded to, iii. 356.
Evans, Katharine, Quakeress, persecutions endured by, ii. 114 n.
Evelyn, Sir John, his speech to the Lords, relative to the disposal of King Charles I.'s person, iv. 24 n.
———, John, remarks of, on the ravages committed by the Plague in 1625, 336 n. Observations by, on the executions of the Regicides, iv. 380 n. His Diary referred to, 426 n.
Eustace, Rev. Mr., his description of the French villages in 1814, iv. 81 n. Remark on, ib.
Excise, bill for the improvement of the receipts from the, debates on, i. 292, 293, 294. 321—331, 332. 334. 340. 344. 351. Debate upon confirming the order respecting the, ii. 77, 78. Debate upon, 175. Amendment to, 255. Provisoes to, 270 n. Passed, 270. Observations on the farmers of, iv. 140—142. Order of Parliament respecting the farmers of, 142.
Excise and Customs, debate on the bill for regulating, iv. 296—299. Resumed, 312—317. 319—327 434—438. Recommitted, 438—447 n. Farmers of, examined before Parliament, 394—401. 415—420. Ordered to pay up their arrears, 420. Report respecting the balances of, 447, 448 n. Account of the claim of the Marquis of Argyle upon the excise of Scotland, ib.
Exeter, Act for the Maintenance of Ministers and uniting of Parishes in, debate upon, i. 224.
Exeter-house, account of the dispersing of the Royalists at, on Christmas-day at, ii. 314 n. 315 n.
Eyre, Colonel, speech of, noticed, iii. 69 n.

Fairfax, General Lord, command of the Parliamentarian army given to, ii. 449 n. Duke of Buckingham released upon a petition from, and security, iii. 370—376. Alluded to, 56, 291, 292. The Restoration promoted by, 292 n. Goes to Breda to Charles II., ib.
Faith, Public, debts contracted upon the, debate on, ii. 238—244. Resolution respecting, 244 n.
Falkland, Lord, legislative power of the prelacy opposed by, i. 391 n.
————, Henry Cary, Lord, report of Committee respecting his return, iii. 23, 24. Biographical notice of, ib. n. Smart reply of, 24 n. His election declared good, 85. Allusions to, iv. 462 n. 473 n.
Familists, The, account of that sect, i. 62 n.
Fast, debate on the appointment of a, 1659, iv. 300. Report of Committee relative to, 328. Debate upon report, 328—333 n. Motive for proposing, 328, 329 n. Debate on the third reading of, 335—345. Form of the Declaration 329 n. Member appointed to carry the Declaration to the other House, 426 Ceremony of presenting it, 427, 428.
Fauconberg, Lord, marries one of Cromwell's daughters, ii. 315 n His letters to Henry Cromwell, on the debate as to acknowledging the other House, iv. 88 n. On the Scotch and Irish question, 234 n.
Fenwick, Mr., breach of privilege of Parliament committed by insult offered to, ii. 219. Debate upon, 219—221.
Field, Mr., report of Committee of Parliament on the misprintings in the Bible by, i. 221, 222 n. Required to get back all copies sold, 223 n.
Fielder, John, discussion upon his being elected for Castle Rising, iii. 50, 51.
Fiennes, Lord, speech of, against cruel measures towards Nayler, i. 90. Petition of, to be relieved from debts incurred for the public, 267. His speech on the re-assembling of Parliament, ii. 330, 331. His speech on the settlement of the Government by the Petition and Advice, 409 n.
Fiennes, Colonel, allusion to, i. 327.
Fifth-Monarchy-men, book of characters found with, iii. 494.
Filmer, Sir Robert, extracts from his "Patriarcha," i lxix. lxx n. His books on Witchcraft and Usury alluded to, i. 26.
Finch, Sir Heneage (afterwards Earl of Nottingham,) biographical notice of, iii. 425, 426. 433, 434 n. Remark on his political conduct at the Restoration, iv. 121 n. Professional rancour towards Major-general Harrison, ib.
Fish, bill for the exportation of, debate upon, i. 296; ii. 164, 165. Passed, 165. 204.
Fitzjames, Colonel, allusion to, i. 321.
Fleetwood, Lieutenant-general, motion to grant lands in Ireland to, debate on, ii. 197—200. Resolved, 200 Declines the grant, 224. Endeavours to persuade Cromwell not to dissolve the Parliament, 1657-8, 464 n. Alluded to, iv. 453 n.
Flemyng, Sir Oliver, alluded to, ii. 309.
Fletcher, Andrew, observations on the state of Scotland, 1698, by, iv. 168 n.
Floyd, Edward, account of his punishment for libelling the Queen of Bohemia, i. 250 n. 251 n. 278.
Folkmote, Lord-lieutenants anciently chosen by the, iv. 11.
Forests, resolution of Parliament relative to the improvement of, i. clxxxvi. Discussion relative to the sale of forests, ii. 78 and n. 238, 240, 241 to 243.
Fothergill, Colonel, petition of for arrears, presented, ii. 94. Referred to a committee, 95.

Fox, George, account of his going to Cromwell to Hampton Court, ii. 477 n.
Foyle Oxenbridge, copy of the petition of, presented to Parliament, iv. 255—257. Debate on, 257—273.
France, ambassador sent by, to Cromwell, i. cxxxviii. Stipulations in the treaty between Cromwell and France, for the removal of obnoxious persons, cxxxviii n. Remarks on the Parliament of, iii. 569, 570 n. 588 Distressed state of the peasantry in 1691, iv. 79 n Luxury of the nobility contrasted with the misery of the peasantry, 80 n Reflections by Burke on the government of Louis XVI., ib. Remarks on the villages of, in 1814, 81 n.
Frederick IId, his praise of toleration, i. 409 n. Remarks on his sharing in the partition of Poland, ii. 356 n.

Gage, ——, his account of the condition of the West Indies, i. cxlv. Assures Cromwell of success in an expedition against the West Indies, ib.
Galaspy, Rev. Mr, remark on his mode of preaching, i. 360.
Gaming, &c., Bill for preventing persons living at high charges without proper means, debate on, ii. 229. Amendments to, reported, 257 Passed, 283 n.
Gardiner, ——, assassination of Cromwell contemplated by, ii. 314 n.
Gatehouse, Westminster, description of, i. cxvii. cxviii.
Gaynes, Gilbert (a juryman on the trial of Colonel Lilburn), examination of, by the Council, iii. 507 n.
Geffreie, William, his fanaticism and punishment, i. 73 n.
Geneva, mode of observing the Sabbath at, ii. 267, 268 n.
Gentleman, Sir Thomas Smith's remarks upon the distinction so designated, ii. 456 n.
George III., King, iii. 157 n. 258 n. Commonwealth Tracts presented by, to the British Museum, referred to, iv. 388, 389 n.
Gerrard, Lord, alluded to, i. cxxxviii.
——— Sir Gilbert, allusion to, ii. 66.
Gewen, Mr., motion made by, to invest Cromwell with the title &c. of King, ii. 424.
Gibbes, Mr. William, notice of, ii. 334 n.
Gibbons, Colonel, ordered by Parliament to bring Colonel Overton from Jersey, iii. 49.
Gilpin, Dr., his excellence in pulpit oratory, ii 537 n.
Glamorgan, Earl of, engaged in forwarding a coalition between the Irish rebels and Charles I., iii. 372 n.
Glanboise, Lord, debate upon the Parliament's disposing of the sequestrated estate of, in Ireland, i. 2—5. 222.
Glanville, Sergeant, expelled the House of Commons, iii. 236.
Glenham, Sir Thomas, allusion to, ii. 11 n.
Gloucester, Act for settling the cathedral on the Mayor, &c. of, read a second time, i. clxxxix. 20. Petition of the inhabitants of, respecting lands in Ireland granted to them, considered, i. 203, 204. Debate upon, ii. 107—111. Passed, 111. Siege of, noticed, 107 n
Gloucester, Duke of, his right to the crown of England, iv. 31 Account of, ib. Charge of Charles I. to, 35 n. His death, ib. Allusion to, i. cxxxviii.
Gloucestershire, duty on the tobacco grown in, i. viii.
Glynn, Sir John, his violence to the Bishops in 1641, ii. 328 n. His base

conduct with respect to the trial of Sir H. Vane, iii. 182 n. Alluded to, 175.
Goddard, Mr. Guibon, *Preface*, discussion relative to his election for Lynne Regis, i. clxxxv. Returned for Castle Rising, iii. 50, 51.
Goffe, Major-general, notice of a speech of, i. 361.
Goldsmiths, the earliest bankers, iv. 398.
Goodwin, Dr., preaches before the Parliament, i. xix. xxxvi; iii. 1: Biographical account of, ib n. His sermon alluded to, 7 n.
Goring, Lord, condemned by the High Court of Justice, i. 285 n. Conversation between and Queen Henrietta Maria, iii. 206. Imprisoned, 421 n. Reprieved, ib. Allusion to, i. 335.
Graunt, Captain John, his natural and political observations alluded to, iv. 235 n.
Green, Mr., alluded to, iv. 429.
Greenville, Sir Richard, allusion to, i. cxxxviii.
Griffith, Mr. George, notice of, ii. 321 n.
Grimstone, Sir H., breach of privilege of Parliament committed by infringment of the copyright of his Reports, discussion on, ii. 319. Account of, ib. n.
Grove, Mr., appointed to attend the Other House with the Declaration of the Commons respecting the Fast, 1659, iv. 426 Ceremony of presenting the Declaration, 428, 429.
Guelders, Duke of, letters of, alluded to, i. x.
Guise, Duke of, recaptures Calais for the English, iv. 182 n.
Gunning, Rev. Mr., arrested for observing Christmas-day, ii. 315 n. Account of, ib. Reproved by the Protector, ib.
——— Bishop, alluded to, iv. 261 n.
Gustavus Adolphus, King of Sweden, notice of his death, ii. 76 n.
Guthry, Bishop, curious anecdote related by, iii. 90, 91 n.
Gyles, Mr., debate on his election for Worcester, iii. 20.

Hackney-coaches, first introduction of, into England, i. 297. Motion to confirm an ordinance for, ii. 81.
Hakewill, W. his account of the origin and progress of the English peerage, ii. 446, 447 n.
Hale, Sir Matthew, his weak conduct in a case of supposed witchcraft, i. 26. Allusion to, iii. 142.
Hales, Sir Edward, robbery committed in the house of, ii. 264.
Hall, Andrew, debate upon the petition of, for a brief, i. 201.
——, Bishop, his "Hard Measure" alluded to, ii. 328 n.
Hamilton faction, in Scotland, allusions to, ii. 307, 308.
Hampden, Wm., honourable testimony to the character of, i. 467 n. His opinion of Cromwell, 501 n. Notice of, ib. Character of, 502 n. biographical notice of, iii. 277 n. carries up to the Other House the accusation of Bishop Wren for setting up idolatry, iv. 266, 267 n.
Hampton Court, allusion to, i. xi.
Hane, Joachim, Bill for naturalizing him, passed, ii. 60, 61.
Hanover, Elector of, (afterwards George I.) his sister the Queen of Prussia's dying request to, ii. 357 n. His encouragement of learned men, ib.
———, House of, remarks on the cruelty shown by the two first Kings of the, towards State-criminals, ii. 474 n.
Hanslop, co. Bucks, petition of the tenants of the manor of, debate on, i. 197, 198.
Harcourt, Sir Simon, allusion to, ii. 65.
Harris, Dr. observations on Richard Cromwell by, iii. 485 n.

Harrison, Major-general, letter directing him to be arrested, iii. 494 n. Arrested, i. xxxviii. Imprisoned, cxxxvi. Account of his trial and execution, iv. 121 n. Exemplary character of, 432 n.
Haslemere, co. Surrey, discussion relative to an election for, iii. 425.
Haslerigg, Sir Arthur, account of his coming to the House of Commons, and taking the oath, ii. 346, 347 and n. Church lands in Durham purchased by, 428 n. Accused of fraudulently procuring the sequestration of an estate, iii. 505 n.
Hatfield Chase, petition of inhabitants presented, i. 200.
Hatton, Mr. petition of, to be allowed to divide his house in Holborn into tenements, read, ii. 182. Descended from Sir Christopher Hatton, ib. n. Bill passed, 283.
———, Dame Mary, case of, brought before Parliament, iv. 403. Report of the Committee, 403, 404 n.
Heath, James, biographical account of, iii. 56, 57 n.
Hele, Elize, charitable benefactions left by, to parishes in Devonshire, ii. 189 n. Debate upon the will, 183—189.
Hemmings, Mr., Committee appointed to consider the charges brought against, i. cxxx.
Henchman, Dr. remark on his attachment to the royal cause, iv. 425 n. Rewarded by Charles II., ib. Alluded to, 450 n.
Henrietta Maria, Queen of Charles I., anecdote of, iii. 93 n.
Henry II., King, the first expedition against Ireland undertaken by, iv. 237 n. Title of King of Ireland confirmed to him, ib. n. Anecdote of, 357 n.
——— V. King, by an Act of, the power of making laws decreed to be in the people, ii. 48. Character of him, iii. 466, 467 n. Curious illustration of his right to the crown of France, 469.
——— VIII. King, account of his controversy with Luther, iii. 486 n. Cause of his disgracing Cromwell, 521 n. His persecutions for religion, 522 n. Title of *Fidei Defensor* conferred on him, ib. Act of, regulating the order of succession to the crown of England, 584 n., 585. Character of, by Sir Walter Raleigh, 585 n.
———, Prince, account of the ceremonial of his investiture as Prince of Wales, ii. 454, 455 n. Observations on his death, ib.
Herbert, John, petition of, to Parliament, iv. 20 n. 112 n.
———, Lady, her opinion of Charles II., iv. 425 n.
Hereford, necessity for garrisoning the castle, i. xcii. Motion for choosing a member for, ii. 442.
Heretics, notice of the Act of Parliament for the burning of, ii. 118 n.
Herne, ——, (elected fellow of All Souls, Oxford) petition of the University in relation to, i. 353, 354.
Herport, Rev. Mr. his remarks on oaths, ii. 277 n.
Heveningham, Sir John, imprisoned for refusing loan-money, iii. 496.
Hewet, Dr. notice of, ii. 473. His trial and death, ib. His intrepid conduct, ib.
———, Lady, petition of, alluded to, iv. 80, 81. 119.
Hewson, Colonel, ordinance for payment of the arrears due to, ii. 60. Biographical notice of, iii. 535 n.
Heylin, Dr. remarks by, on the dissolution of the Parliament by King Charles I. iii. 55 n.
High Commission Court, abolition of, ii. 53 n.
Highways, Bill for amending, debate upon, ii. 294. 344. Proceedings of the Committee upon, 345.
Hill, Baron, notice of, ii. 340 n.
——, Mr., errors pointed out in the Bible printed by, i. 348.

Hill, Mr., alluded to, iii. 256.
Hillary, Anthony, charges brought by, against Mr. Burton, in the House of Commons, i. clxxxii. clxxxiii. Committed, clxxxiv.
Hobart, Mr., refuses to subscribe the Protector's Recognition, i. xxxvi.
Hobbes, his "Leviathan" presented to Parliament as atheistical, i. 349. His account of the reception of his work, 349 n.
Holland, remarks on the toleration allowed in matters of religion in, i. 100 n.
Holland, Joseph, petition against, referred to a Committee, i. 201.
Honeywood, Sir Thomas, notice of, i. clxxxii.
Horn, Andrew, his Mirroir de Justices referred to, iv. 323. Remarks on that work, ib. n.
Hornchurch and Havering, Essex, amendments to the Bill for dividing, reported, ii. 337.
Horsley, Bishop, his opinion of the court which tried King Charles I., iii. 222. Remarks on a sermon by, on the anniversary of the death of Charles I., 422, 423 n.
Houston, Humphrey, (Quaker,) account of a meeting at Waterford, to take leave of, ii. 113 n.
Howard, Lady Catherine, (afterwards Queen of Henry VIII.,) the death of Cromwell said to have been caused by her, iii. 521, 522 n.
——— Mr. Philip, discussion relative to his return to Parliament, iii. 33.
——— Mr. Charles, (afterwards Earl of Carlisle,) remarks on, iii. 355 n.
——— Mr., his boast of the number of members sent by him to Parliament, iv. 301 n. Case examined by the House, 369, 370. Accused of keeping his brother out of his estate, 369.
Howe, Rev. Mr., defence of Richard Cromwell by, iv. 485 n.
Hudibras, Bishop Burnet's opinion of, ii. 417 n.
Huntingdon, Bill for uniting the churches of, ordered to be read a second time, ii. 336. 372.
Huntingdon, Earl of, proceedings on the Bill for the sale of his estate, i. 11. 37, 38.
Hunton, Rev. Philip, account of, ii. 532 n.
Hutchinson, Colonel, his Memoirs alluded to, iv. 274 n.
——— Mrs., character of Richard Cromwell by, iv. 486 n. Remarks on the conduct of General Monck to the Regicides, iv. 437, 438 n.

Jamaica, capture of, i. cxxxvii., iii. 102, 103 n. Description of, i. cxxxvii. n.
James's, St. account of a robbery committed in the library of the palace at, iv. 452 n.
James I., King, observation on a saying of, ii. 423, 424 n.
——— II., King, remark by, on the Lords who deserted him, iii. 295 n.
——— IV. of Scotland, message by the Earl of Surrey to, previous to the battle of Flodden, ii. 449 n.
James, John, attack on a member of Parliament by, how punished, i. 157.
Jansenists, persecution of the, by Pope Alexander VII. ii. 358 n.
Jenkin, William, account of, ii. 359 n.
Jenkins, Mr. David, liberated by order of Parliament, i. 350. Account of, 350 n.
Jephson, Major-general, remarks on his character, ii. 140 n. Anecdote of, 142 n.

Jermy, Robert, unsuccessful in the election for Castle Rising, iii. 51.
Jermyn, Lady, her title of the office of Chief Register noticed, iii. 595. iv. 244.
Jesuits, The, expelled from France, i. 239 and n.
Jews, account of the Conference for admitting them to the full rights of citizenship, in 1655, i. cxlii. cxliii. n.; ii. 309 n. Cromwell well-disposed towards, ii. 471. Account of the banishment of from England, iii. 479 n.
Indemnity, Bill of, motion to renew the Committee for, ii. 253. Allusion to, 255. Reported, 257, 258. Passed, 283.
Inns of Court, Parliament recommend the reformation of, ii. 313. Readers of, first appointed, ib. n.
Inquisition, account of the imprisonment of Thomas Maynard by, i. cxxxix. n. Cromwell compels the King of Portugal to release him, cxl. First establishment of, ii. 53 n. Horrors of the, 149.
Insanity, instances of ignorance in the treatment of, i. 73; ii. 113 n.
John, King, his reception of the nobility of Ireland, iv. 238 n.
John, St., Sir Walter, allusion to, iii. 68.
——— Lord, petition of, relative to his estates, iv. 390.
Johnson, Dr., allusion to, iv. 351 n.
Jones, Mr. Edmund, his delinquency, debate on, iii. 233—241.
——— Colonel John, grant of land in Ireland to, passed, ii. 304.
——— Captain Philip, notice of, i. 331.
——— Colonel Theophilus, Bill for settling lands in Ireland on, i. 299.
Ipswich, motion relative to the maintenance of a minister at, ii. 331.
Ireland, number of the inhabitants transported, i. iv. n. Desolate state of, ib. n. remarks on, iii. 229, 230 n. Account of the expedition under Henry II. to, 237 n., 238 n. Debate relative to the estates of Lords Glanbois and Ardes in, (sequestrated by Parliament,) i. 2—5. Proceedings upon the Bill for uniting with England, 352, 353. Comparison of the population and power of the Protestants and Papists in, 390, 391 n. Report of Committee relative to several donatives in, ii. 65—67. 95. Bill for settling lands in, on Mr. Charles Lloyd, of London, committed, ii. 95. Motion for reading Bill for settling lands in, on Captain Blackwell, 102. Debate upon the Bill for settling lands on the inhabitants of Gloucester city, 107—111. Passed, ib. Bill for settling lands in, on Captain Arthur, read, 123. Committed, 124. Lands in, granted to the widow and children of the Rev. Mr. Moorcock, 157, 158. 304. And also to Colonel Jones, ib. Bill for the Adventurers in, and for the officers in debate upon, 157, 158. 179. 196. Passed, 196, Bill for the assessment on, debated, 162, 163. Read a second time, 166. Referred to a Committee, 167. Amendments to, 200, 201. Debate respecting the proportion on England, Scotland, and, 207—214. Desolate condition of parts of, 210 n. Not populous according to the extent of territory, 1691, 211 n. Petition to reduce the assessments, 224—226. Debate upon, 245, 246. Agreed to, 247. Land in, granted to Lieutenant-general Fleetwood, 200. Declined by him, 224. Debate on the Petition and Advice relative to, 248, 249. Counties of, set apart for remunerating the officers and soldiers, 238, iv. 246. Bill of Attainder of the rebels of, ordered to be read, ii. 303. Passed, 305, 306. Notice of the Rebellion of, in 1641, iii. 347 n. Dr. Petty's mode of measuring the forfeited estates in, iv. 471, 472 n.
Ireton, General, Lord Deputy, instance of his disinterestedness, ii. 397 n. His death, ib. Eulogium on, ib.
Judges, conduct of alluded to, i. lviii. Their salary settled, i. 19. Discussion of the Ordinance relative to their salaries, ii. 60. Parliament

directs them to attend, (members of the House,) i. 65. Request a declaration of Parliament on the death of Charles I., 431 n. Instances of tyranny of, on the trial of Colonel Lilburn, iii. 504 n. Remarks on, 506 n.
Juries, method adopted with respect to, till the verdict is found, i. 52 n.
Juvenal, remark of, iv. 200.

Kent, the Holy Maid of, allusion to, i. 68.
Kentish-men, William the Conqueror compelled to grant the liberties of, i. 210 n.
Keppel, Lord, his remark, justifying the execution of Charles I., iii. 423 n.
"Killing no Murder," character of that pamphlet, ii. 312 n. Quoted, 487—490 n. Alluded to, iii. 129.
King, William, breach of privilege committed by, iii. 77—80. Imprisoned, 81. Released, 85.
Kings, Aristotle's distinction between that appellation and tyrants, i. 399 and n.
Kings of England, observations on the negative voice possessed by, ii. 451, 452, 453 n. Their manner of giving or refusing assent to Bills, ib.
Kingswood, Forest of, discussion relative to the sale of, ii. 78, 79 n.
Kippis, Dr., Remark of, iv. 286, 287 n. Observation on his additions to Dr. Campbell's Biographia Britannica, 380 n.
Knightly, Mr., stopped by the soldiery on leaving the House of Commons, iv. 75.
Knox, Dr., the aristocracy described by, iii. 362—364 n.

Labourers, Committee of Parliament appointed to consider the dress, &c. of, i. clxxxii. Consideration of the wages, &c. of, referred to a Committee, ib.
Lagerfeldt, minister from the Queen of Sweden, notice of the audience of, i. xii., xiii. Account of the entertainments given to, cxlvi. cxlvii. n.
Lambert, Major-general, the proposal of making Cromwell Protector first made by, i. 383 n.
Lancaster, County Palatine of, ordinance for reviving the Duchy Court, &c. resolved, ii. 65.
Langdale, Sir Marmaduke, allusion to, i. cxxxviii. ii. 12.
Latham, Mr. Hamlet, Bill to enable him to dispose of estates, ii. 8.
Latimer, George de, allusion to, ii. 381.
Lauderdale, Lord, donatives charged on his estate, ii. 66.
————, Countess of, motion relative to her pension, ii. 75.
Laud, Archbishop, King Charles I. crowned by, account of, iii. 220 n. Instance of his tyranny, ii. 236. Ill-success of his attempt to introduce the Liturgy into the Church of Scotland, iii. 90 n.
Law, Civil, petition from the doctors of, i. lxi.
Lawrence, Mr. Richard, allusion to, i. viii.
Laws of England, all patents, &c. directed to be made in English, ii. 419 n. Proceedings towards a reformation of the, 420, 421 n.
Lawson, Admiral, present made by Parliament for his services against the Dutch, i. vii.
Leicester, Earl of, his case against the City of London, noticed, ii. 49.
Lefthall, Sir John, ordered to be secured, i. iv. Proceedings against, v.

Lenthall, William, chosen Speaker of the House of Commons, i. xx. ii. 29 n.
Lesley, ——, his "Snake in the Grass" recommended by Bishop Burnet, ii. 417 n.
Levellers, The, account of, i. 49 n. Accused of a plot to destroy Cromwell and the Council, 332, 333.
Levingston, Mr., petition of Mr. Blont against, praying reversal of fine, debate on, ii. 103—105.
Lewes, borough of, new writ ordered for, iii. 202.
Lilburn, Colonel John, order of Parliament relative to his imprisonment, i. vi. vii. viii. ix. x. His opinion on the subject of libel, 156 n. Biographical account of, iii. 503—508 n. Petition of presented, i. ii. Account of his trial, iii. 504 n. Banished by Parliament, 505 n. His "Just Reproof" directed to be burnt, ib. Refuses to kneel before the House, ib. Accuses Cromwell of procuring his banishment, 506. Tried for returning from banishment, ib. Account of his trial, 507. Becomes a Quaker, ib. His death, ib. Account of the four last years of his life, 508 n.
—— Colonel, Discussion before the Committee respecting his election to Parliament, iii. 33.
Lilburn, Mrs. Elizabeth, debate on the petition of, iii. 68. 503—509.
Linacre, Dr. anecdote of, ii. 278 n.
Lincoln's Inn Fields, proclamation ordering the buildings in, not to be proceeded with, ii. 25 n. Proviso for, in bill relative to new buildings in London, ii. 258 n.
Lincoln, Bishop of (Williams), anecdote of, iv. 16. Fined by the Star-Chamber, ib. n.
Lincolnshire, bill ordered for draining the fens of, i. lx.
Lister, Captain, petition of, i. 197. 227. 366. Proceedings upon report of the Committee, ii. 182. Debate on the report, 183—189. Resolution of Parliament respecting, 189 n. allusion to, i. 168.
Lloyd, Mr. notice of, i. 308. Motion for second reading of the bill for settling lands in Ireland upon, ii. 95. Committed, ib.
Locke, John, his verses to the Protector, i. xvi. n. Allusion to, ii. 419 n. His flattering dedication to the Earl of Pembroke, iii. v. and note.
Lockhart, Colonel William, account of, i. 107 n.
Loftus, Dr. alluded to, iv. 299 n.
Lombards, the earliest bankers, iv. 398 n.
London, account of the entertainment given to Cromwell by, i. xv n. Petition of the apprentices of, in behalf of Colonel Lilburn, presented, i. v. Petitioners committed, ib. Bill for preventing further buildings in, ordered to be read, 20. Bill respecting the eligibility of persons to the freedom of debate on, 176—179. 342—344. Debate upon the arrears of the assessment due from, 179. 182. 196. Debate upon the arrears due from the Temple, 209—214. Petition of the citizens against the brokers, debate on, 223—225. Fine imposed on all buildings in, erected since 1620, ii. 25 n. Proclamation forbidding the further progress of the buildings in Lincoln's Inn Fields, ib. Petition of Noblemen, &c. relative to a debt due to, for public service, debate upon, 82—84. Referred to a Committee, 85. Legal proceedings directed to be stopped, 257. Bill for preventing the increase of new buildings, debate on, 159—161, 162. Motion relative to, 191. Debate on the report, 206, 207. Amendments reported, 221. 223. Read a third time, 258. Many provisoes to, 258. Proviso relative to buildings in Lincoln's Inn Fields, ib. n. Debate on, 258, 259. Passed, 311 n. Bill to allow Moorditch to be built over, ii. 283 n. Grief of Mr. Calamy at

the destruction of, 321 n. The money paid to the Scots advanced by the city of, 384 n. Petition of inhabitants of, to Parliament, against a treaty with King Charles, 1648, ii. 385, 388 n. Account of the tumults of the apprentices of, 386 n. Cromwell's portrait exposed in the Royal Exchange described, and verses affixed to it, 425 n. The Lord Mayor of, formerly possessed a negative upon the Common Council, 426. Grant of land at Londonderry to the companies of, iii. 94, 95 n. Petition of the citizens of presented, iii. 288. Debate on, 289—295.

Londonderry, royal grant of land in, to the London companies, iii. 94, 95 n.

Long Acre, the Earl of Bedford subjected to a fine for his new buildings in, ii. 180 n.

Long, Mr. Walter, fined and imprisoned for absence during his Shrievalty, i. lxxii. Remunerated, ib.

——— Sir Lislebone, chosen Speaker of the House of Commons *pro temp.* 1658-9, iv. 92. His illness noticed, 149. His death, 160. Character of, ib. n.

Lords, Cromwell's House of, resolution of the House of Commons relative to the nomination of members, ii. 21—23. Their proceedings described, iii. 332.

——, House of, messages to the House of Commons from, anciently sent by masters in Chancery, iv. 352.

Lauthian, Colonel, petition of, ordered to be read, ii. 120. Referred to a Committee, 124.

Love, Christopher, notice of his trial for treason against the Parliament, ii. 88 n. His death, 89 n. Funeral sermon preached for, ib.

Lucius, King, Christianity introduced by, into Britain, i. 400. Milton's remarks on, ib. n. 401 n.

Ludlow, Major-general, his opinion of the Earl of Essex, ii. 449 n. His account of the dissolution of the Parliament, 1657-8, ii. 463 n. R. Cromwell attempts to conciliate him, iii 11 n. Account of the discussion in consequence of his sitting in Parliament without taking the oath, 68, 69 n. Remarks by, on the execution of Major-general Harrison, iv. 121 n. His Memoirs referred to, 113, 155, 156. His account of the election of Sir H. Vane, 182 n. Anecdote related by, 222 n. His remarks on the Scotch Question, 220, 221 n. His account of the different parties, 223 n. On the dissolution, 1659, 482, 483 n.

Luther, M. his opinion respecting the institution of the Sabbath, ii. 267 n.

Lysander, the thirty tyrants appointed by, iv. 191 n.

Lyttleton, Lord, composition of the House of Commons described by, iii. 148.

Machiavelli, his "Prince" alluded to, i. 238 n.

Magna Charta, the mass of the people little benefited by, i. 406, 407 n. Obtained by the Barons, iii. 88. Strengthened by the Petition of Right, 515 n.

Malton, discussion relative to an election for, iii. 296. 502. Debate on, iv. 42—46.

Manchester, Earl of, (Lord Kimbolton,) his political inconsistency, ii. 387 n. Demanded by Charles I. to be given up to him, iii. 515, 516 n. Cromwell's remark on, 536 n. Alluded to, iv. 260 n.

Manley, Robert, manor of Holdenby leased by, iv. 403 n. Account of the distraining of his goods for rent, 404 n.

Manton, Dr., preaches before the Parliament, i. lxi. His funeral sermon on the death of Mr. Love, account of, ii. 89 n. Anecdote of, 311 n. Preaches before the Parliament, iii. 11.

Mariana, John, notice of, ii. 181. His work "De Rege et Regis Institutione" condemned by the Parliament of Paris, 182 n.
Markham, Colonel, dispute between Mr. Robinson and him, in Parliament, noticed, i. 207. Alluded to, iv. 299 n.
Marriages, act respecting, referred to a committee, i. xxxix. xl. Read, clxxxiv. Law relative to the marriages between the Scotch and English, i. 13. Act of the Commonwealth relative to, ii. 38 n. Form of the ceremony, ib. 39 n. Discussion on the subject of the publication of, 44. Debate upon the time of the continuance of the act, 67—74. 77. Proviso to the act, 75 n. Debate on the second reading, 337, 338.
Marshall, Rev. Mr., sermon preached by, i. xvii. xxxvi.
Marten, Mr., his defence of the Rev. Mr. Saltmarsh, iii. 212. Committed to the Tower, ib. Restored to the House of Commons, 213 n.
Marvell, Andrew, his account of the influence of the Duchess of Cleveland over Charles II., iii. 488 n. received wages as a member of Parliament, iv. 194 n.
Marwood, Mr., discussion relative to his election to Parliament, iii. 33.
Mason, Colonel, allusion to, ii. 117.
——— William, his remarks on the character of Dryden, iv. 118 n.
Massey, Major-General, his measures to forward the Royal cause previous to the battle of Worcester, iv. 391 n. Wounded in that battle, 392 n. Account of his escape, ib. Dissatisfied with the coldness of his Presbyterian friends, 393 n. Alluded to, i. cxxxviii.
Matthews, Colonel, speech of, on the appellation of the other House, ii. 450—456.
May, Thomas, character of the Earl of Strafford by, ii. 413 n. His monument destroyed by order of Charles II. ib. Eulogiums on his History of the Parliament, ib.
Maynard, Sir John, Bart. his trial and imprisonment by the Parliament, iii. 183, 184 n.
——— Serjeant, notice of the action brought against by Captain Lister, i. 366. Privilege allowed him as a member of Parliament, ib. Report of the committee, ii. 170. 182. Debate on the report, 183—189. Resolution of Parliament on, 189 n. Remarks on his political inconsistency and baseness, 184 n. iii. 175 n. iv. 121. 259. 314. 409 n. Observations on his character, ii. 461 n. Disgraceful part acted by, on the trial of Sir H. Vane, ib. iii. 182 n. Speech of, on the title of the "Other House," ii. 458—462. Remark on, iii. 314 n. Elected for Newtown, 594.
——— Thomas, account of his imprisonment by the Inquisition in Portugal, i. cxxxix. Cromwell compels the King of Portugal to release him, ib.
Mazarine, Cardinal, account of his negociation with Cromwell for a treaty offensive and defensive against Spain, iii. 389 n. His subtle diplomacy, ib. 390 n. His intrigues with respect to England, noticed, iii. vii.
Mead, Rev. Matthew, allusion to, i. 359.
Merchants, Company of, case between them and the Company of Clothworkers, debate on, ii. 115, 116 n. 117. 175. 221. 309—310.
——— Intercourse, tax imposed on, i. cxxv. Debate on the arrears of the assessment due from, i. 179—182.
Mesyhampton, debate relative to the presentation to, i. 268.
Middleton, Lieut.-general, brief account of his expedition in favour of Charles II., ii. 76 n. Allusion to, i. cxxviii.
——— Henry, chosen assistant Serjeant-at-arms, iv. 274.
Midhurst, Borough of, debate upon the election for, iii. 84.
Militia, article concerning the, considered, i. xl. Bill imposing a tax upon the Cavaliers to maintain the, i. 230—243. 308. 310—320. 331.

340. Debate relative to, iii. 34—36. Motion respecting, 346. Debate on the settling of, iv. 472—476. Resumed, iv. 477.
Millenaires, The, notice of, i. 72 n.
Milton, John, his opinion of Cromwell, i. 394 n. His account of the introduction of Christianity into Britain, i. 400, 401 n. His relation of the conversion of King Edwin, 401, 402 n. His letters as Latin Secretary to Cromwell noticed, ii. 354 n.
Ministers, discussion relative to the ordinance for ejecting scandalous, i. xli. Read, lxii. ii. 58, 59. Thanks voted to, i. xxxviii. Bill for the maintenance of, debate on, ii. 331—333. Motion relative to, 373. Bill alluded to, ii. 441. 548.
Mole, Mr., his death caused by the Inquisition, ii. 149.
Molyneux, Mr., remarks on Ireland by, iv. 229 n, 280 n.
Monck, General, (afterwards Duke of Albemarle) letter of alluded to, i. vii. Present made to him by Parliament for his services against the Dutch, vii. Thanks of Parliament given to, xi. Proceedings on the bill granting an estate to, i. 227. 267. 367. Imprisoned in the Tower, ii. 306 n. Notice of his wife, ib. His wife described, iv. 437 n. Her influence over him, ib. Anecdote respecting, ii. 321 n. Instances of his hypocrisy, 373 n. iii. 48, 153 n. Letter of, relative to the Army, iii. 369 n. His intrigues for the Restoration, 292 n. His hypocrisy towards the Protector, iv. 221 n. Letters of, to Secretary Thurloe, on the debate upon the right of the Scotch members, iv. 221, 222 n. Gives information of the movements of the Royalists, 436, 437 n. Grant to, by the Parliament, 244 n. Warburton's opinion of, 437 n. Clarendon's opinion of his talents, ib.
Montague, General, (Earl of Sandwich,) thanks of Parliament voted to him, i. clxxxvii. Employed in a naval expedition, iv. 148 n. Conveyed Charles II. to England on his restoration, ib. A perfect courtier, 233 n.
Moone, Mr. Richard, committed for contempt, i. cxxiii.
Moorcock, Rev. Mr., motion for granting lands in Ireland to the wife and children of, ii. 157. Motion passed, 304.
Moor-ditch, bill to enable the City of London to build over, passed, ii. 283 n.
Moore, Lord, bill to enable him to sell certain lands in Ireland, committed, ii. 170.
——— John, his fanaticism and punishment, i. 72, 73 n.
——— Rev. Simon, notice of, iii. 429 n.
Mordaunt, Mr. letters of, to Charles II. on Cromwell's party; fears of the Royalists; doubts whether the Presbyterians should be trusted; account of a conversation with one of Cromwell's party, iv. 367, 368 n. To Lord Chancellor Hyde, his suspicions of the Duke of Buckingham, 391 n. On the probable dissolution of Parliament, 436 n. On the state of parties, ib. Account of the cabals in consequence of the Remonstrance, 449, 450 n. Narrow escape of, 392 n. Trial of, noticed, ii. 472. Extraordinary acquittal of, ib. n. Created Lord Viscount Mordaunt by Charles II. iv. 392 n.
More, Sir Thomas, his heroic demeanour at his death, iii. 523 n.
Moreland, Mr. letter of, on the proceedings of Cromwell's party to make him King, i. 384 n.
Mortality, Bills of, petition from the parish clerks respecting, iv. 433, 434.
Morton, Sir William, notice of, iv. 262.
Moulin, Lewis du, bill for naturalizing, i. 221. Account of, ib. n.
Moyer, Samuel, late M. P. for London, petition of citizens presented by, iii. 288.

Mulgrave, Earl of, his death, iii. 536 n.
Murder, account of the murder of Mr. Bond, i. 321.
Muskerry, Lord, allusion to, i. cxxxviii.

Nasing, bill for dividing the common at, debate on, i. 20.
Navigation, Bill for the encouragement of, debate on first reading of, i. 82. Read second time, 161. 168.
Navy, The, remarks on the state of, iii. 57. Motion for an account of the charge of, 1654, i. lxxxv. n. lxxxvi. n. cxxii. n. iii. 63. State of the, 1658, 316 n.
Nayler, James, Committee of Parliament appointed to inquire into his fanatical proceedings, i. 10 n. Honours paid to him by his followers, ib. n. Examined, 10, 11. His speech, 11. Account of him, 24. Debate upon his blasphemies, 24—37. 38—45. Examined by Parliament, 46—48. Debate relative to, 48—80. 85—92. 96—105. 107—115. 118—126. 128—135. 137—147. 150—159. 161—167. His mode of replying when examined, 41, 46 n. Debate on the petition to suspend his further punishment, 182, 183. Motion relative to, ii. 119. Motion for a keeper discussed, ii. 131. Debate in Parliament on a petition from London to remit his further punishment, i. 209. 215—221. Debate on the Protector's letter relative to the sentence passed on, 246—258. 260—264. 269. 282. 370 n. Account of his punishment, 265, 266. 345, 346 n. 370 n. Proceedings in Parliament respecting, 380. Parliament sends a minister to him, ii. 131, 132. Cruelty and intolerance of the Parliament to him, 132 n. Discharged from prison, 133 n. Sketch of his case, ib.
Needwood, forest of, discussion relative to the sale of, ii. 78, 79 n.
Negative Voice of the Chief Magistrate, debate on, iii. 326—345.
Neville, Mr. Henry, examination into the election of, to Parliament, iii. 17—21. Account of his action against Mr. Strowd, 51—54. Debate on, 346. 498—500. Notice of a publication by, 367 n. Accused of Atheism and blasphemy, 296—305.
Newcastle, petition relative to the salt-trade of, i. 259.
Newdigate, Chief Justice, notice of, ii. 438 n.
New Hall, Essex, notice of, i. xi n.
Newhaven, United States, Code of Laws of, for regulating the observance of the Sabbath, ii. 262 n. Remark upon, ib.
Newport, Isle of Wight, Act for raising a maintenance for a minister at, debate on, i. 223. 245, 246.
Newport, Lady, remarks on, iv. 425 n.
Newtown, election for, iii. 594.
Newton, Bishop, remark on a passage in Milton's Samson Agonistes, iv. 121 n.
Nicholas, Sir Edward, allusion to, i. cxxxviii.
Nichols, ——, case of monopoly of the Customs by, ii. 128.
Nobility, English, extent of, in the time of James I., iii. 362 n.
Noble, James, breach of the privilege of Parliament committed by, i. 148. Examination of 149, 150. Sentence, ib. 344.
——, Mr., his "Memoirs of the family of Cromwell," alluded to, ii. 425 n. iii. 347. 355. 519. 523. 535. 536. 546. n.
Noel, Mr., notice of, ii. 207 n. Englishmen sold into the Barbadoes as his property, debate on, iv. 258. Deficiency in his account as a farmer of the Excise, account of, 416 n. His defence, ib. Debate on, 417—419.
Norfolk, Duke of, his imprisonment by King Henry VIII. alluded to, iii. 585 n.

Norris, Sir Francis, discussion relative to his election for Oxfordshire, iii. 24. Declared not elected, 84.
Northampton, debate on the Bill for the maintenance of the ministers of, i. 159—161.
Northumberland, Earl of, his opinion on the subject of the death of Charles I., iv. 78 n.
Norwood, Mr., imprisoned by Cromwell, iv. 151 n. Released, 162 n.
Nottingham, dwellings of some of the inhabitants of, alluded to, ii. 2, 64, 265. Election for, noticed, iii. 305.
Noy, Attorney-general, character of, ii. 444 n. Account of, ib. 445 n. His will, ib. Account of a treatise left by him unpublished, 445 n. 446 n. Alluded to, iii. 518.
Nye, Philip, notice of, i. 79.

Oaths, mistaken notion of Government as to the form of, ii. 277 n. Many oaths not rational, ib. Linacre's opinion on the subject of, 278 n.
Oblivion, Acts of, allusions to, i. 234. 236, 237, 238. 240, 241. 314, 315, 316, 317, 318.
Ogle, Robert, information given by, of breach of privilege of Parliament, ii. 220 n.
Oldenburgh, Lord Henry, notice of, i. iv. n.
O'Neale, Daniel, allusion to, i. cxxxviii.
Onslow, Sir Richard, allusion to, ii. 228 n.
Orford, Lord, (Horace Walpole,) his opinion on the subject of the death of Charles I., ii. 320 n.
Orleans, Father, his censure of Buchanan, Pref. n. Cromwell's refusal of the title of King commended by, i. 382 n.
Ormond, Duke of, his government of Ireland alluded to, ii. 249. Allusion to, i. cxxxviii.
Oswald, King of Northumberland, converted to Christianity, i. 402.
Overton, Colonel, engaged in a conspiracy to assassinate Cromwell, i. 356. Ludlow's account of the proceedings against, 357 n. His imprisonment in Jersey voted illegal, 357. Debate relative to his imprisonment, iii. 45. Ordered to attend the House, 46. Ordered by Parliament to be brought from Jersey, iii. 49. His speech in the House, iv. 151. Warrant by which he was imprisoned, ib. n. Discharged, 161. Alluded to, iii. 212; iv. 120. 150.
Ouse, The, Bill respecting report ordered, ii. 159. 165.
Owen, Dr. John, account of, i. 79 n. Debate upon motion to confirm an order for settling a pension on, ii. 97, 98. Notice of, 97 n. Anecdote of his introduction to Cromwell, ib. Letter of, to Lord H. Cromwell, alluded to, ib. His liberality to Swedish scholars at Oxford, 360 n. Appointed to preach before Parliament, iii. 12.
——— Sir John, his case alluded to, i. 182.
——— Lieutenant-colonel, Parliament defrays the expense of his funeral, i. 196.
Oxford, petition from Corpus Christi College, on a presentation to Mesyhampton, debate on, i. 268. Proceedings on a petition from the University of, 353. Their acceptance of the engagement, ii. 279 n. Reasons of their judgment concerning the League and Covenant, 424 n.

Pack, Sir Christopher, his zeal on the subject of the Bill relative to the Free-Merchants and Merchant-Adventurers, i 308—310. The Petition and Advice brought before Parliament by, 378 n. 394 n.
Packer, Major-General, discussion concerning the election of, iv. 249—253. Speech of, 250, 251. Alluded to, 299.

Papists, incapacity of, to serve in Parliament, i. xcix. Considerations relative to the estates of, referred to a Committee, clxxxvi. Account of the trial of some at Hicks's Hall, ii. 152. Opinion of an Independent with regard to, ib. n. Their increase in England, 152, 153. Message of the Lords to the House of Commons to banish, ii. 438. Persecuting order of Parliament of 1690 against, ib. n. Observations on the Bill of Rights in reference to, 439 n.

Paracelsus, allusion to, iv. 453 n.

Paris, Matthew, allusion to, iv. 238 n.

Parker, Bishop, remark on his edition of "The History of his Own Times, iii. 182 n.

Parliament, account of the conducting the five Members, who had been demanded by Charles I., to the House of Commons, iii. 94 n. Account of the dissolution of, by King Charles I., iii. 54 n. Remarks on the impolicy of that measure, 55 n. Projectors and monopolists excluded from, iv. 93 n.

———, Long, declaration of the House of Commons in justification of the vote for non-addresses to King Charles I., observation on, ii. 382 n. Declares the office of King unnecessary, ii. 38 n. Account of the designs against, 1641, ii. 443 n. Persecution of Papists by, 151. Cruel interference with the Parental authority of Recusants by, ib. n. Sends Commissioners to Scotland to negotiate a treaty of Assistance, 214 n. Proceedings of, on the invasion of England by the Scots, 384 n. Interference of the Army with, in 1648, 387 n. Ordinance for the trial of the King sent by the Commons to the Lords, 434 n. The Lords refuse to join in the trial of the King, 387 n., 434 n. The Commons pass it on their sole authority, ib. House of Lords virtually sanctions the Ordinance of the Commons, 388 n. Remarks on the Ordinance passed by the Lords to prevent the recurrence of regal tyranny, 434 n. Declaration of, to maintain the fundamental laws of England, on the death of Charles I., 431 n. House of Lords voted dangerous and useless, 434 n. Justification of, 396. Proceedings with the Scotch deputies, relative to the union of England and Scotland, 1652, iv. 112, 113. Remarks on the dissolution of, ii. 416 n. Entry on the Journals on that occasion, 417 n. Prosperous condition of England in the time of, iii. 63 n., 64 n. Intention of, to alter the power of election throughout England, 73 n. Members committed to prison, 214. Intolerance in religious matters of, 387 n. Model of the Covenant presented to, iv. 208.

———, Little, members who constituted the, ii. 67 n. iv. 499. Notoriety of some, ii. 67 n.

——— of 1654, (Cromwell's Second Parliament). Proceedings on the assembly of, i. xvii. Speaker chosen, xx. Fast appointed, ib. Committee of Privileges appointed, xxi. Motion to inquire into the state of the Government, ib. Debate upon, xxii—xxxii. xxxix—xlvi. xlviii—lx. lx—lxx. lxxiii—cxxii. Resolution respecting preachers, xxvii. Resolution respecting Religion, ib. Entrance to the House of Commons closed by the Protector, xxxiii. Resolution of the House on the Recognition of a single Person, &c., xl. Parliament declared to be triennial, ib. Act respecting the Recognition read and committed, xli. Debate on the Articles of Government, xlii. Bill for subscribing the Recognition read, xliii. Powers of the Protector settled, xliii—xlvi. Resolution on the Ordinance respecting the Protector and Council, xlix. Debate on the office of the Lord Protector, li. and note. Right of election to the Protectorate declared to be in the Parliament, liii—lv. Reasons why it should be in the Council, lv—lviii. Legislative power

to be in the single Person and the Parliament, lxvi. Report of Committee respecting writs to future Parliaments, lxxi. Debate on the negative of the single Person, lxxiii. Debate on the oath to be taken by the Protector and the Parliament, ib. Debate on the perpetuity of, lxxiv. Debate on the negative of the Protector for the continuance of, ib., lxxv. Debate on the negative for the Militia and Religion, lxxv—lxxix. Debate on the disposal of the Army on the death of the Protector, lxxx—lxxxiv. Debate on the Assessment for England for defraying the expenses of the Army and Navy, lxxvi, lxxvii. lxxxiv. lxxxviii. The Public Accounts ordered to be examined, lxxxix, xc. Laws not to be altered but by consent of, xc. Vote respecting the money for the forces and for the charges of Government, xci. Report of the Committee on the reduction of the Army, ib. xcii. xciii. Resolution relative to the calling of future Parliaments, xciii. xciv. Qualifications of members, xcvii. xcviii. Qualifications of electors, xcix. c. ci. Resolution of the Council for the examination of members, ci. Bill of assessment read, ci. cii. Read second time, cvii. Debate on the assessment for Scotland and Ireland, ib. Resolution respecting the appointment of a Protector, in case of the death of the present, cii. Debate on the exemption of ministers from taxation, ciii. civ. Debate on the nomination to the Council, civ—cvii. Resolution upon the return and admission of members, civ. The Council to be nominated by the Protector and approved of by Parliament, cvii. Debate on the number of the standing forces, cvii. cviii. Resolution of, with respect to religion, ib. Report of the Committee on religion, cxii. Proviso relative to religion, cxiii. Debate on the Protector's negative in matters of religion, cxvi. Resolution respecting the power of the Protector, cix. cx. Resolution respecting the power of the Parliament, cx. Motion respecting the number of members of Parliament, and their distribution, cx. cxi. Motion respecting the City of London and the Universities, cx. The office of Lord Protector declared to be elective, cxi. The officers of Government to be chosen by Parliament, cxii. Debate on the laws for restraining atheism, blasphemy, &c., cxiii. cxiv. Form of oath to be taken by the Protector, Parliament, &c, agreed to, cxix. Parliament to be summoned on the death of the Protector, cxix. Debate on the revenue, cxx—cxxii. Resolution to examine the Instrument of Government, cxxiii. cxxvii. cxxxi—cxxxiii. Dissolution of, by the Protector, cxxxiii. Remarks on this measure, cxxxiv. cxxxv.

Parliament of 1656, opening of the, by the Protector, cxlvi—cxlviii. Writs for summoning, sealed, cxlv. Protector's speech, cxlviii—clxxix. Certificates given to the members on admission, clxxix. Two days appointed for a Fast, ib. Order respecting the preachers, ib. Time of rising of the House, ib. Letter presented to the House, directed to the Speaker, clxxx. Bill for removing Charles Stuart, read second time, clxxx. The returns of the members presented, ib. No member allowed to leave the House, nor to speak to another while any stranger is in the House, ib. Committee appointed to inquire into the affair of the imprisonment of Portuguese for a murder, ib. Post letters to members directed to be carried to the door of the House, and to be free, ib. Letters sent by the Protector to, announcing the defeat of the Spanish fleet, clxxxi. Three days of thanksgiving appointed on account of, ib. Commissioners of the Great Seal, and Chief Justice of the Upper Bench, appointed, clxxxii. Proceedings upon a charge against Thomas Burton, M. P., ib. Referred to a Committee, &c., clxxxiii. Decision of the Committee,

clxxxiv. Samuel Chidley, author of an obnoxious publication, committed to prison clxxxv. Committee of the whole House appointed for raising money for carrying on the Spanish war, ib. Report of the Grand Committee on Religion, clxxxviii. clxxxix.

Parliament, proceedings of, on a breach of privilege committed by Drugo Wright, i. 9. Breach of privilege committed by James Noble, 148. Examination of, 149, 150. Sentence, ib. Petition of Mr. Noble, 195. Released, 196. Debate on a call of the House, 192—195. Preference given to the evidence of a member, 136. Proceedings on the letter of Cromwell relative to the Cheshire brigade, 200, 201. Discussion upon the Bill to prohibit the observance of Christmas-day, 229, 230. Letter of Cromwell to, on the sentence passed on James Nayler, the Quaker, 246. Debate on, 246—258. 260—264. 269. 282. Proceedings of the rejected members in, 1656, 262 n. Members obliged to sign the Recognition, 273 n. Breach of privilege punished by, 282. List of the defaulters in the Parliament, Dec. 1656, and proceedings with respect to, 291. Discussion relative to the privilege of, 286. Proceedings of, respecting a work on Judicial Astrology, 305, 306. Proceedings relative to the works of Dr. Coward, 306 n. Adjourn on account of the illness of the Speaker, 337—340. Orders of, upon the subject of taking notes of proceedings, 341 and n. Proceedings on the discovery of the conspiracy against the Protector, 354. 368. Appoint a Thanksgiving-day on account of the discovery, 358. 366. Privilege allowed to a member, 366. Money voted for carrying on the war with Spain, 371. 374. Appoint a Thanksgiving day for the escape of Cromwell and the Government from assassination, 371, 372. Address of the Speaker to Cromwell on his deliverance, ii. 488—490. The Protector's reply, 490—493. Vote of thanks and money presented by, to Lord Commissioner Whitlocke, for his services in Sweden, i. 375. House of Commons invited to dine with the Protector, 377 and n. Proceedings of on the Petition and Advice, 378, 379, 380, 381. 385, 386, 387—390, 391—396. Present the Petition and Advice to Cromwell in the Banqueting-House, 397. 416 n. Address of the Speaker to him, 397—413. Cromwell's answer, 413—416. Order of, relative to the Judges, &c., 379. Qualifications of members of, 405. Business of, 405, 406. Committee appointed to attend the Protector for his answer to the Petition and Advice, 416. Cromwell's answer, 417—420. Present reasons to Cromwell for his acquiescence in accepting the title of King, 421, 423. Committee wait upon the Protector to resolve his doubts, ii. 1. and n. 2—6. Cromwell's reply, 7. Report of the Committee, 8, 9. Debates and resolutions on the Acts and Ordinances of the Petition and Advice, 10—19. Discussion respecting a fine to be imposed on members not duly qualified, 15—19. 21. Alter the style of the proceedings of the Courts of Justice, 40 and n. Debate upon the privilege of members, 70. Instance of magnanimity of, 89 n. Debate as to the necessity of confirming the Acts and Ordinances of the Long Parliament, 85—94. 96. Discussion relative to the several orders of the Long Parliament, 96—98. Committee's report to the Protector and Cromwell's answer, 101. Report of the Committee to the House, 105. Message of the Protector relative to the Petition and Advice, 111, 116. Petition of the officers of the Army to, 117. Resolve that "Lord Protector" be the title of the Chief Magistrate, 118, 119. The Protector's message to, on the Petition and Advice, 120. Proceedings of, upon a breach of privilege, 106. The Speaker's report to the Protector on the Petition and Advice, who gives his consent, 123. Form of summoning the House of Commons to the Painted Chamber, described, 123 n.

Debate on the motion to provide for the continuance of, 138, 139. Proceedings on breach of privilege committed in the person of Mr. Dean, 146, 147. Protector's letter to, announcing his intention of proroguing them, 155. Present Blake with a jewel for the victory obtained by him off Santa Cruz, 144, 145. Appoint a Thanksgiving-day on account of the victory, 143. Vote thanks to the officers, &c., 146. Message of the Protector relative to the Bill for assessment, 180. Chaplain absent, and business commenced without prayers, 192. Regulations relative to the prayers, ib. note. Address of the Speaker to the Protector, on presenting Bills for his consent, 1657, 205. Protector's remark on one of the Bills, ib. Discussion upon a breach of privilege committed by abuse of Mr. Fenwick, 219—221. Breach of privilege respecting Bill for Vintners, 237. Observations on the time of day of commencing business, i. 247. Debate upon the duration of, 252, 253. Communication by, to the Protector, to issue his warrant for the pay of General Blake, 256. Discussion relative to imposing a fine on members not attending, ii. 259, 260. Debate on the privilege claimed by a member, when sued, 269. Desire the Protector to remove the ministers of St. Margaret's, Westminster, 270 n. Debate on the motion for a Committee to prepare an oath for the Protector and people, to take under the Government of the Petition and Advice, 274—282. Debate on the report on the Committee respecting the oath of the Protector, Privy Council, Members of Parliament, on the calling the "Other House," and on investing the Protector, 283—303. Debate on the Explanatory Petition and Advice, 306—308. Passed, 309. Resolution of, on the oath to be taken by Cromwell, and relative to his investiture as Protector, 309. The foreign Ambassadors invited to be present at the ceremonial, 309. Bill for the adjournment of, read third time and passed, ib. Writ ordered to be framed for calling the other House, 309, 310. Account of the ceremony of the investiture of Cromwell, 311, 312 n. 511, and n. Meeting of Cromwell and the Parliament in the Painted Chamber described, 310, 311. Message to the Protector to use his endeavours to unite the foreign Protestant Churches, 313. Scobell's Acts and Ordinances ordered to be printed, ib. The reformation of, the Inns of Court recommended by, ib. Breach of privilege committed by the infringement of the copy-right of Sir H. Grimstone's Reports, 319. Fast-day appointed, 320. Cromwell's speech on the re-assembling of Parliament, according to the Petition and Advice, January 1657-8, 322—330. Forms observed, 316. The excluded members admitted, ib. Debate upon the choice of the Clerk, 316—318. 330. 336, 337. 348, 349, 350. Discussions in the House of Commons upon a message from the other House, 339, 340. Debate upon the title of Lords, to the other House, 341—344. Extend the time for receiving petitions to the Committee of Privileges, 348. The first Speaker appointed, 349 n. Message of the Protector to meet him in the Banqueting-house, 350. Cromwell's speech to Parliament on the state of affairs, 1657-8, 351—371. Proceedings on the Fast-day, 372, 373. Fines levied on the members, for the poor, 373. Debate upon the Protector's speech, 374, 475. Resolution of the House, 375. Remarks on the previous exclusion of the members, 375. Debate upon the title of the other House, 377—379. Cromwell dislikes the resolution of Parliament, as not coming from both Houses, 379, 380. Debate resumed upon the title of the other House, 380—394, 395—403. Proceedings of, with respect to Mr. Scobell as to papers found in his possession, 403, 404. Resolution of the House on the subject of double returns, 405. Resolution as to the time for the assembling of

Members, 406 n. Debate on the title of the other House resumed, 406—424. Proceedings of, relative to legal reforms, 419 n. 420 n. Debate resumed upon the title of the other House, 424—441. Message from the other house, 438. Answer returned to, 441. Business transacted by the other House, 439 n. Debate resumed on the title of the other House, 442—463. Usefulness of Grand Committees, 429 n. The Protector dissolves the Parliament, 463, 464. Account of the dissolution of the Parliament, 1657-8, 462 n. Cromwell's reason for that measure, 462 n. 463 n. 464 n. Projects of that Parliament, 464 n. Speech of Cromwell on dissolving, 465—470.

Parliament under the Protectorate of Richard Cromwell. — Opening of the Parliament, 1658-9, iii. 1. Account of the speech of the Protector Richard, 2. Choose a Speaker, 4. 6. Speech of the Protector, 7—10. Appoint a Fast-day, 11. Appoint preachers, 12. Message to, from the Judges of the Common Bench, on an election, 18—21. Debate on the Bill of Recognition, 26—32. Debate upon the Militia and Negative Voice, 34—36. Proceedings upon a breach of privilege committed by Major Audley, 37—45. Debate upon the Petition and Advice, 71—76. Proceedings upon the breach of privilege by William King, 77—82. Debate upon the Bill of Recognition, 86—152. 155—201. Debate relative to the delinquency of several members, 233—252. Debate on the Bill of Recognition, 204—232. 256—287. Petition of citizens and inhabitants of London, 288. Debate on, 289—295. Letter from the Protector Richard to, 308, 309. Debate on, 308—310. Debate on the Negative Voice, 326—345. The Scotch and Irish members declared not qualified to sit in the House, 346. Motion respecting the inspection of the accounts and revenue of the Commonwealth, 347, 348. Debate upon the constitution of the two Houses, 349—369. Debate as to the right of the ancient peers to sit, 403—424. Act for perpetuating Parliament, 519, 520. Debate upon the bounds and powers of the other House, 509—548. 550—578. 594. Debate on the motion for "transacting" with the "other House," iv. 7—41. Debate resumed, 47—76; 77—88, 89 n. 277—293. 335—349. Debate on the right of the Scotch and Irish members to sit in the House, 87—90. 92—119. 143—147. 163—202. 122—139. Illness of the Speaker, 90. Sir Lislebone Long chosen Speaker *pro temp.*, 92. Illness of Sir Lislebone Long, 149. Mr. Bampfield chosen Speaker *pro. temp.*, ib. Account of the writs for the elections of members of Parliament, 1654, 1656, 1658, 171. 172. Send a deputation to inquire after the health of the Speaker, Mr. Chute, 150. The continued illness of the Speaker reported, 203. Debate upon the right of the Scotch members resumed, ib. The Scotch and Irish members allowed to sit during the present Parliament, 219. Debate on the right of the Irish members to sit in the House, 237—243. Dr. Petty accused of breach of trust, 244. Debate on, 244—249. Defends himself, 469, 470. Resolution of the House upon, 471. Debate relative to transactions with the other House, 351—359. Proceedings of the Committee of Ceremonies, 360. Report of the Committee, 370. Debate upon the report, 370—378. Debates not allowed to be published without leave, 415. Mr. Bampfield chosen Speaker, 433. Death of Mr. Chute and of Sir Lislebone Long noticed, ib. n. Deputation of the House of Commons attends the House of Lords, for their concurrence to their votes against the meetings of the officers, 465. Ceremony observed on the occasion, ib. Report of the committee on the state of the revenue, 1659, iv. 466 and n. Debate relative to the Militia, 472—477 n. 477—481. Account of the dissolution of, by Richard Cromwell, iv. 482. Proclamation of Cromwell, ib. Violence used by the Army to obtain

the dissolution of, ib. n. Discussion relative to the dissolving of, 184 n. List of the speakers in the Parliaments of [illegible] 1658-9, 486—499. List of the members nominated for the Parliament of 1659, 499, 500.
Parliament of 1690, order Papists to be excluded from Westminster Hall during the sitting of Parliament, iii. 438 n.
Parliament, lodgings assigned to members of, i. x. Privilege of freedom from arrest confined to the menial servants of, clxxxix. Time appointed for the preachers to attend the House, clxxix. Right of making war and peace, anciently in the, i. xliv. Epithets applied to various Parliament members, i. 252 n. Formerly held twice a-year, 403. Granville Sharpe's refutation of Blackstone's opinion on Annual Parliaments, 403 n, 404 n. Remarks on the ancient constitution of, ii. 381. Enactments of the Bill of Charles I. for Triennial Parliaments, 427 n. Annual Parliaments and Universal Suffrage advocated, iii. 75 n.
Parricide, first instance of, i. 58 n.
Paulinus, Christianity introduced into Britain by, i. 401.
Pawnbrokers, petition of the citizens of London against, debate on, i. 223—226.
Peerage, English, account of the origin and progress of, ii. 446 n. 447 n.
Pelagius, notice of, iii. 221.
Pell, Mr., extracts from his papers, ii. 314 n. 351 n. 366 n.
Penn, William, account of a publication of Whitlock's edited by, i. cxxvii. n. Correspondent of Buckingham, iii. 48 n.
——, Admiral, sent by Cromwell to attack St. Domingo, i. cxxxvii. takes Jamaica, ib.
Pennant, Mr., his conjecture as to the origin of Piccadilly, ii. 35 n.
Penruddock, Colonel J., account of the trial of, iii. 531—533 n.
Pepys, Mr., observation of, on the execution of Major-general Harrison, iv. 432 n. Upon the Earl of Sandwich, on his advancement, 432, 433 n. On the barbarous exhibition in London of the mangled limbs of the Regicides, ib.
Peters, Hugh, notice of, i. 244 n. Account of a portrait of, 244. Discourse before Parliament by, ii. 346, 347. Detection of Cromwell, 346 n. Opinion respecting, 420 n. Account of his execution, 110 n. 111 n. Librarian at St. James's, iv. 452 n. Alluded to, iii. 11.
Petersfield, debate upon the election for, iii. 348, 349. Re-committed, 595, 596.
Petit France, London, noticed, iii. 508.
Petition and Advice, The, proceedings in Parliament concerning, i. 378, 379, 380, 381, 385, 386, 387—390, 391--396. 394 n. 397. 416 n. 397—413, 413—416, 417—420, 421—423. ii. l. 2—6, 7, 8, 9, 10—19. 111. 116. 118, 119, 120. 123. 135—138. 140. 171. 248. 249—251, 252, 253, 306—308, 309. iii. 71—76. Influence of, on the liberty of the subject, 543 n. remarks on, ii. 455 n.
Petition of Right, unqualified assent granted to, by King Charles I. ii. 137.
Petty, Sir William, comparison of the Protestant and Catholic population of Ireland by, i. 390 n. 391 n. Comparative population of Ireland, England, France, and Holland, estimated by, ii. 211 n. Account of the mode adopted by, to measure the forfeited estates in Ireland, iv. 471, 472. Accused in Parliament of a breach of trust, 244—249. 467 n. Copy of the charge sent to him by Parliament, 249. Examination of, 469—471. Charges against [illegible]. Letter to Lord H. Cromwell on the subject, 471 n. Removed from his public employments, ib.

Peyton, Sir Thomas, his papers examined by order of Parliament, i. 355, 356.
Philip II., life of the Princess Elizabeth preserved by, iii. 485 n. Proposed marriage to Queen Elizabeth, ib.
Phillips, Sir Robert, appointed a Sheriff, to prevent his being returned to Parliament, i. lxxi n.
Piccadilly, origin of the name of the street so called, ii. 85 n.
Piedmont, account of the sufferings of the Protestants in, ii. 354 n.
Pierrepoint, William, letter of, to Lord H. Cromwell, iv. 274 n. Notice of, ib.
Piggott, William, account of his information against Nayler, i. 41.
Plague, precautionary measures adopted by Queen Elizabeth against, i. 412 n. Statement of the number of deaths in various years from the, iv. 335 n. Account of the ravages committed by, 336 n.
Plymouth, vicarage of, debate on the bill relative to, i. 1.
Poisoners, punishment anciently inflicted on, i. 58 n.
Poland, partition of, noticed, ii. 356 n. Distress of the Protestants in, 358 n.
——— King of, envoy sent to Cromwell by, iv. 42 n.
Poll-tax, debate on the, i. 292—294.
Poor, money collected in the House of Commons, ordered to be paid to, i. li. Instances of the care of the Commonwealth for, i. xiv. Bill relating to, clxxii.
Poor-John, stores found in Jersey of, i. 165 n.
Portman, Mr. John, petition of, iii. 306. Ordered to attend the House of Commons, 307. 448. Imprisonment of, illegal, 449. 494. Debate upon the illegality, 495—498. Discharged from imprisonment, 498.
Portugal, account of the imprisonment of Thomas Maynard, by the Inquisition of, i. cxxxix. Cromwell compels the King of Portugal to release him, ib. Ambassador from, notice of the treaty signed by with Cromwell, 1654, i. clxxxvii. n. Brother of, executed, ib.
Portumna Park, &c. debate on the grant of, to Lord H. Cromwell, i. 223. 259.
Postage of England, Bill for regulating, debate on the second reading of, ii. 142. 155. Debate on, 156. 191. Passed, 201, 202.
Poynings, family of, noticed, ii. 381.
Preachers, Public, excluded from sitting in Parliament, ii. 13—15. Discussion on the approbation of, 50—56. 62. Proceedings of the Commissioners for approbation of, iv. 73 n., 74 n.
Prerogative, Royal, remarks on the, as regards making war and peace, iii. 313, 314 n.
Presbyterians, English, character of, iii. 206—208 and n.
Preston, Bill relative to the rectory of, i. 299.
Price, Dr. his account of a conversation with General Monck on the subject of restoring Charles II., iii. 291 n., 292 n. Anecdote related by, of the wife of General Monck, iv. 437 n.
Pride, Colonel, the warrant for the execution of Charles I. signed by, iii. 535 n. His body ordered to be disinterred, 546 n. Biographical account of, 547 n.
Priest, habit of a, worn by criminals on their execution, i. clxxxvi.
Priestley, Dr. remarks on the character of Charles I. and on his execution, iii. 423. His account of Andrew Horn, the author of "*Le Miroir de Justices*," iv. 323 n. His remarks on Richard Cromwell's retiring to private life, 484 n.
Prisoners, Bill for relief of, read, i. 5, ii. 1.

Protestants: Parliaments desire the Protector to encourage the [illegible]n of the foreign Protestant Churches, ii. 313. Cruelties perpetrated on, in Piedmont, 354 n. Distress of the Protestants in Poland, 358. Cruel treatment of, in Bohemia, ib. The Polish Protestants recommended to the King of Sweden by the English Council, iv. 235 n.

Provisions, prices of, in 1610, i. lxxxv. n. Prices of, in the province of Ulster, lxxxvi. n.

Prussia, Queen Sophia-Charlotte of, her ill-assorted marriage noticed, i. 356 n. Character of, 356 n., 357 n. Intended for the Queen of Louis XIV., ii. 357 n. Her dying request to her brother, ib.

Prymatt, John, Sir A. Haslerigge accused of fraudulently procuring the sequestration of the estate of, iii. 505 n.

Prynne, ——, persecuted by the Star-chamber, i. 373 n. His "Plea for the Lords" alluded to, iv. 68 n. Account of his imprisonment, iii. 47 n.

Psalms, Singing, notices of the versions of, i. 349 n., 350 n.

Puritans, account of the emigration of, from England, ii. 324 n.

Purveyance, proceedings on the bill concerning, i. 81.

Pye, Sir Robert, proceedings on a breach of privilege committed by the arrest of, i. xlviii.

Quakers: account of an assault committed by a Quaker, i. cxxvi. n. Committee of Parliament inquire into Nayler's fanatical conduct, i. 10 n. Honours paid to him, ib. n. Nayler examined by Parliament, 10, 11. His speech, 11. Short account of, 24. Debate in Parliament upon his blasphemies, 24—37. 38—45. His examination before Parliament, 46—48. Debate resumed, 48—80. 85—92. 96—105. 107—115. 118—128. 128—135. 137—147. 150—159. 161—167. His mode of answering, 46 n. Persecution of the Quakers in New England noticed, 123 n. Debate upon the increase of, 169—174. Debate upon the petition to suspend Nayler's further punishment, 182, 183. The Speaker of the House of Commons addressed by a Quakeress, 207. The Protector's letter relative to Nayler, 370 n. Debate upon the letter of Cromwell to the Parliament, on the sentence of Nayler, 246—258. 260—264. 269—282. Order of Session relative to Quakers, 262 n. Account of the punishment of Nayler, 265, 266. 345, 346 n. Proceedings against some of Nayler's followers, 340. Conduct of his followers, 377 n. Bill touching vagrants (including Quakers), debate upon, ii. 112—114. Molested in their worship and punished, 112 n. Apprehensions entertained on account of a meeting at Waterford of, 113 n. Instance of enthusiasm of George Robinson, 114. The Church service interrupted by, ib. Debate upon the motion for granting a keeper, and sending a minister to Nayler, 131, 132. Cruelty and intolerance of the Parliament towards Nayler, 132 n. Nayler discharged from prison, 133 n. Observations on the, ib. View of Nayler's case, ib. Debate in Parliament on, iv. 440—446. Petition from, on the distressed state of their imprisoned brethren, 440 n., 441 n. Principles of, 442 n.

Radnor, election for, motion respecting, iii. 502.

Ralegh, Sir Walter, Character of Henry VIII by, iii. 385 n.

Rapin, his definition of the term [illegible]ory, ii. 210 n. His History alluded to, iv. 357 n.

Ravaillac, ——, the assa[illegible]tion of Henry IV. of France by, noticed, i. 202.

Reading, debates concerning an election for, iii. 16, 17. iv. 202. 254 n.

Recognition, The, Act for subscribing, read, i. xli. Recommitted, xliii. Members of Parliament obliged to sign, i. 273 n.
———, Bill of, debate on, iii. 26—32. Account of the object of, and the proceedings of, in Parliament, 32, 33 n. Read second time, 86—117. Debate on, 194—201. 204—232. 256—287. Resolution relative to, 287. Motion relative to, 316. debate upon, 317—324.
Recusants, Popish, debate upon the Bill for discovering, i. 6. 8. 117. 14[illegible] 390. Resolution relative to their estates, 372. Conversation upon the Bill concerning, ii. 139, 140. Report of the Committee on, 147. Part of the Bill lost, and debate on, 146—148. Reported, 148—155. Members added to the Committee, 167. Reported, 169. Ordered to be engrossed, ib. n. Read the third time, 257. Passed, 310.
Redman, Major, letter of, giving an account of the assembling of Quakers at Waterford, ii. 113 n.
Regicides, The, execution of described, iii. 110, 111 n. 120 n. Barbarous exhibition of their mangled limbs, iv. 432 n. 433 n.
Register Office, counsel heard in the case of, iii. 595. iv. 244.
Religion, proceedings of Committee for, i. 366. Enactments in the Petition and Advice relative to, 388, 389. Report of the Committee for, on the misprintings in the Bible, ii. 221, 222 n. Grand Committee appointed for, iii. 33.
Remonstrance on the state of the kingdom, notice of, iii. 487 n.
Republics, generally economical, ii. 396 n.
Revenue, Public, account of, in 1654, i. cxx. cxxi. Discussion relative to the, ii. 23—33. 37. Debate upon, 135. Committee appointed to investigate the, 164. Motion concerning the report of the Committee, 247. State of, noticed, iii. 286 n. Debate on the state of, iv. 362—367. 383—388. 434—438. 447, 448 n. 466. Debts owing to the Commonwealth, ib. n. 468 n. State of, in 1659, iv. 466 and n. Report upon, 468 n.
Reynolds, Sir John, leave granted to him by Parliament to go on service, ii. 115. Account of the expedition to France under, ib. n.
——— Dr. thanks of Parliament voted to, i. 341. Preaches before the Parliament, iii. 11 n. 66. Biographical notice of, 66, 67 n. Allusions to, i. 80. 359. iii. 84 n.
Rich, ———, his fanaticism at the punishment of Nayler, the Quaker, i. 266.
Richard II., King, allusion to, i. 400.
——— of York, declared by Parliament to be the successor of Henry VI., iii. 584. Butchered at the battle of Wakefield, ib.
Richmond, Duke of, his opinion on Reform in Parliament, i. 406 n. iii. 75 n. Remarks of, on the Royal Veto, ii. 453 n.
Riswick, Major, notice of, i. 336.
Rivers, Sir Thomas, refused to be admitted by the Clerk of the Commonwealth, i. civ. n.
———, Marcellus, &c. petition to Parliament of, on their being sold as slaves into the Barbadoes, iv. 255. Cruelties inflicted on, 255, 256, 257.
Robinson, Mr. Luke, dispute between Colonel Markham and him in the House of Commons, i. 207. Changes his political opinions, 363 n. Remarks on a speech of, ii. 438 n. Debate on his election to Parliament, iii. 33.
———, ———, errors in the translation of the Bible pointed out by, i. 348.
Robertson, Dr., observations by, on mercenary troops, iii. 168 n. On the trade of the Lombards, iv. 398 n.
Rochester, Bishop of, attempt to poison the [illegible]unished, i

Rodney *v.* Cole, debate upon the appeal of, i. 103, 106. 135. 27. 300—303 ii. 130, 131. iii. 306.
Roe, Sir Thomas, biographical notice of, iii. 437, 438 n.
Rogers, Mr. John, liberated i. 350. Notice of, ib. n.
Rogues, vagabonds, &c statute relating to, referred to a Committee, i. clxxxiii. Debate on the bill concerning, 21—24.
Rolle, Lord, Chief Justice of the Upper Bench, removed by Cromwell, iv. 47. Notice of, ib. n. Alluded to, i. 161.
Rolls Office, petitions respecting, iii. 595.
Rome, downfal of, predicted, i. cxlvii. cxlviii.
Rose, ——, Bishop of Rochester attempted to be poisoned by, i. 111 n. His punishment, ib.
Rous, Francis, opinion respecting his version of the Psalms, i. 350. Notice of him, 350 n.
Rowe, Mr. John, notice of, i. 377, 378 n.
Ruddock, Edward, (servant to a member of Parliament) discharged from imprisonment by the privilege of his master, i. clxxxix.
Rushworth, Mr., anecdote of, iii. 93 n. His historical Collections referred to, ii. 306. 382. 384, 385 n. iv. 208, 209, 259, 266, 267, 278 n. His flattering dedication to the Protector Richard, iii. v.
Russel, Lord, allusion to, ii. 417 n.
——, Sir William, notice of, iii. 427.
Ryegate, debate relative to the election for, i. 127.

Sabbath, proceedings on the bill for regulating the observance of, i. 295. 310. Motion respecting, ii. 260, 261. Debate on, 261—268. Ordered to be engrossed, ib. Code of Laws for regulating at Newhaven, United States, 262 n.; and observations on, ib. Penalties inflicted for the non-observance of, by the Act of 1650, 262 n. Manner of observing by the Saxons, 266 n. Remarks on the institution of, 267 n. Calvin's opinion respecting, ib. Luther's opinion, ib. King Edward VI.'s injunctions to the Clergy of England, on the observance of, 267 n. Clauses in the Act of 1552 respecting the, ib. Bishop Aylmer's justification of his mode of observing, ib. Manner of observing at Geneva, 267, 268 n.
St. Alban's (Jermyn), Earl of, the supposed husband of Queen Henrietta Maria, ii. 444 n.
St. Domingo, the English expedition against, failure of, i. cxxxvii.
St. Paul's Church, London, account of its desecration by the Army, iii. 539, 540 n.
—— Walk, quaint description of, iii. 539, 540 n.
Salisbury, Recorder of, commitment of, to the Tower noticed, iii. 174 n.
——, Earl of, petition of, void, i. lxi. Referred to a Committee, ib. n.
Salthouse, Thomas, Quaker, persecution endured by, ii. 112 n.
Sandwich, Earl of, (Montague) notice of, ii. 450 n. iv. 148 n. Pepys's remarks on his advancement by King Charles II., 433 n.
Sankey, Sir Jerome, charge brought against Dr. Petty by, iv. 244—249.
Santa Cruz, account of the victory gained by Admiral Blake off, ii. 142, 143. Thanksgiving day appointed by Parliament on the occasion, 143. Present made to Blake and the Captains for, 144, 145, 146.
Sawtre, William, his death alluded to, i. 118 n.
Saxons, mode of observing the Sabbath practised by the, ii. 266 n. Remarks on, ib.
Saxe, [illegible] instance of the despotism of the Duke of, i. cxxxv. n. cxxxvi. n.

Say and Sele, Lord Viscount, Cromwell considered by him to have betrayed the Republic, iii. 536 n. Became a placeman to King Charles II., ib. Remarks on his conduct, ib.
Scawen, Mr., thanks of Parliament voted to, iv. 363 n.
Scobell, Mr. Henry, the collection of Public Acts and Ordinances made by, ordered to be printed, ii. 313. Held the office of clerk of Parliament by patent, 317. Directed to deliver up the records by the Parliament, 336, 337. Discussion on his keeping the records, 349, 350, 403, 404. Entry in the journals made by, on the dissolution of the Long Parliament, 417 n. Called upon to explain the entry, ib. Allusion to, iv. 196.
Scot, Sir Thomas, notice of, i. 205 n.
—— Mr., speech of, ii. 382—392. The victim of royal vengeance, 383 n. Remarks on his uncourtly deportment, 395 n. Bold speech of, 428, 429. Remarks on the speech, 429. His trial and execution, iii. 110 n. iv. 380 n. Allusion to, ii. 412.
—— Mr. Edward, of Scots-Hall, debate upon his petition for a divorce, i. 204—206. 265. 297, 298. 334. Account of the conduct of his wife, 335, 336. Proceedings of the committee on the divorce, 352.
Scotland, the clergy of, refuse to observe the Fast-day appointed by the Protector, i. xlix n. The coronation chair of, removed to London, ii. 511 n. Account of it, ib. Debate upon the confirmation of the privileges of the boroughs of, i. 12—18. Debate upon the Bill for uniting with England, i. 346, 347. 353. ii. 57. Regulation in the Petition and Advice relative to members for, ii. 10—13. Debate upon the ordinance respecting the donatives of, 63. 65, 66. 75. Debate upon confirming the ordinance touching the excise and customs of, 77, 78. Bill for the assessment of, read second time, 163. Reported, 196. Debate upon the proportions for England, Ireland, and, 207—214. Commissioners sent by the Parliament to negociate a treaty of assistance with, 214 n. Debate upon the Petition and Advice relative to, 249—251. The Hamilton faction in, noticed, 307, 308 n. Remarks on the Church of, 424 n. Proceedings of the Parliament of, on conferring the title of King of Scotland on Charles II., iii. 372—374 n. Proceedings of the deputies of, relative to the union with England, 1652, iv. 112, 113 n. Remarks on that union, 178, 179. State of, in 1698, 168 n. Model of the covenant sent by, to the English Parliament, 1643, 208 n.
Scots, their base desertion of the Royal cause, ii. 383, 384. Cruelties inflicted by, on their invasion of England, 384 n. Prisoners taken from, transported, ib. Money paid to, for sacrificing King Charles I., ib. Attempted justification of, ib.
Scriptures, The, remarks on the frequent allusions to, in the speeches of the times of James I. and Cromwell, ii. 322 n.
Seamen, tumult of, alluded to, i. xiii. Petition of, against impressment noticed, i. lxii. n. Proclamation prohibiting the assembling of, riotously ii. 78 n.
Sebrand, Monsieur, proceedings on the bill for naturalizing his child, i. 174.
Sedgmore, debate on the bill for dividing, i. 259.
Sedgwick, William, fanatical notions of, i. 76 n. 103, 104.
Selden, Mr., his "Titles of Honour" noticed, ii. 381. His privileges of the Baronage of England, iv. 68 n.
Serges, bill for regulating the manufacture of, ii. 46.
Sermons, remarks on the reading of, by ministers, i. 359. Burnet's observations on, ib. n. Sermons in the time of the Commonwealth remarkable for length, ii. 372 and n.

Servetus, ——, betrayed by Calvin to the civil power, iii. 94 n.
Sexby, Colonel, engaged in the plot to assassinate the Protector, iii. 354. Account of, ib. n. Arrested, ii. 314 n. Confessed (his book called "Killing no Murder" to be his production, iii. 139 n.) his confession of his part in the attempt to assassinate the Protector, iii. —488.
Shapcott, Colonel, speech of, reported in a pamphlet delivered to the House by, i. lxii. lxiii. n. Proceedings in consequence, ib.
Sharpe, Granville, refutation of Blackstone's theory relative to Annual Parliaments by, i. 403 n, 404 n. Referred to, iii. 516, 517 n.
Sheriffs, report of the committee on the election of, i. lxxi, lxxii, lxxiii. Writs for the return of members to Parliament directed to, xciv, xcv. Penalty on neglect of duty, xcvii. ci.
Sherwood, Forest of, discussion relative to the sale of, ii. 78, 79 n.
Shields, petition of the Salt-makers of, i. 259. Discussion on, ii. 57.
Ship-money, decision of the judges on the subject of, i. 407 n. Observations on the mode of raising, ii. 214, 215. 218, 219. 228. Violence offered to a judge for defending, 218 n. Unequally raised, 219.
Shippon, Major-general, allusion to, i. clxxxv.
Shirley, Sir Robert, sent ambassador to the Pope, 1609, iv. 261 n. His public entry into Rome noticed, ib. n. Alluded to, iv. 303.
Shrewsbury castle, necessity for garrisoning, i. xcii.
Sidney, Algernon, judicial murder of, alluded to, i. lxix, iv. 487 n. Remarks of, on Aristotle's distinction of kings and tyrants, i. 399 n. On the supremacy of the law in England, ib. On the Royal Veto, ii. 453 n. Allusion to, iii. 294 n.
Simmons, Martha, fanatical conduct of, towards Nayler, the Quaker, i. 10, 11.
Sindercombe, Miles, &c, attempt of, to set fire to Whitehall, i. 332. Examined by Cromwell, 333. 355. Trial and sentence of, 374 n. Commits suicide, ib. n. ii. 188 n. Papers left by him, i. 375 n. Sentence executed on his body, ib.
Slave-trade, remarks on the part taken by England with respect to the, iv. 268. Debate on the petition of certain Englishmen sold as slaves, 255—273. 301—308.
Sleswick, Duke of, minister sent by, to Cromwell, i. ix. xiv.
Slingsby, Sir Henry, account of, ii. 472. His trial and death, 473.
Smith, Erasmus, debate upon the act for settling lands in Ireland upon, i. 2—4. 222.
——— Sir Thomas, his account of the manner of the King giving or refusing his assent to bills, ii. 451 n. Remark on the distinction, Gentleman, ii. 456 n.
Smythe, Mr., debate upon choosing him Clerk of Parliament, ii. 316. 318.
Soamer, Sir Thomas, tyranny of Archbishop Laud towards, ii. 236.
Socinianism, doctrine of, noticed, i. xxxvii. n.
Soldiers, debate upon confirming the orders of the Long Parliament respecting, ii. 99.
Somersetshire, account of the persecution of the Quakers in, ii. 112 n.
Sound, The, description of, iii. 379, 380 n. Debate upon preserving the English interest in, 437—448. 450—493.
Southampton, Lord, allusion to, iii. 236.
Spain, debates upon the war with, i. 174. 269. Money voted by Parliament for carrying on, 371. Consequences of the war, iii. 388 n. 389 n. Mazarine's policy in inducing Cromwell to make war on Spain, ib. 390.
Spelman, John, allusion to, ii. 313.

Spring Gardens, The, notice of, i. 35 n.
Stacey, Colonel, allusion to, ii. 473.
"Standard," A, discussion in Parliament on a publication so named, ii. 2—4.
Star-Chamber, account of, iii. 359, 360 n. Sentence passed on a sheriff, for absence during his shrievalty, i. lxxii.
Starkey, Mr. remarks on his conduct towards Mr. Justice Cooke, iii. 15 n. iv. 272 n.
Stationers, Company of, errors in the Bible printed by Hill, pointed out by, i. 348.
Stawe, Dr. his election alluded to, iii. 549.
Stayner, Captain, his account of the defeat of the Spanish fleet, i. clxxxi. Parliament present him with a jewel on the victory off Santa Cruz, ii. 146. Knighted by Cromwell, ib. n. 283.
Stedry, Mr. Bill to enable him to sell his estate noticed, i. 167.
Sternhold, ——, his version of the Psalms noticed, i. 349 n. His reason for undertaking it, 350 n.
Stocks, The, the site of, described, iii. 77 n. Account of the Stocks Market, ib.
Stone, Captain, account given to Parliament by, relative to the farmers of the excise, &c. iv. 394 n.
Stowe, Mr., his account of the origin of Lombard-street, iv. 398 n.
Stowell, Sir John, petition of, referred to a Committee, i. lxi. His case noticed, i. 165. Debate on his petition, 202. His estate forfeited, ib. n. Imprisoned, iii. 41.
Strafford, Earl of, new lords created by King Charles I. on his trial, ii. 22 and n. Number who voted him guilty, ib. n. Character of, 442, 443; iii. 518 n. Remarks on his trial, iv. 156. Epitaph on, by Cleveland, ib. n. Allusions to, i. 29, 30, 31, 87, 88, 98.
Streete, Mr., debate on his election for Worcester, iii. 70. Ordered to attend the House, 71. Accused of delinquency, 253. Defends himself, 253, 254. Debate on, 254, 255. Account of impeachment of, 425—436; iv. 225, 244.
Strode, Mr., debate on the message from the Judges to Parliament, relative to an election, iii. 18—21. 51—54; iv. 465. Cause afterwards brought before the restored Long Parliament, 465, 466 n.
Suckling, Sir John, notice of, ii. 443 n. Engaged in plots against the Parliament, ib. Made a campaign with Gustavus Adolphus, 444 n. Raises troops for the King, ib. His death, ib.
Surrey, Earl of, message sent to James IV. by, previous to the battle of Flodden, ii. 449 n. Death of, iii. 585.
Sweden, Whitlocke's negociation with, considered, i. xxiv. Sweden and Denmark, debate upon the war between, 1658-9, iii. 376—403. Account of the laws of Sweden respecting religion, 387 n.
Swinton, Lord, allusion to, iv. 214.
Taunton, examination into the election for, iv. 299. 333, 334.
Tavistock, discussion relative to the election for, iv. 414.
Temple, The, debate upon the arrears of the assessment due from, ii. 209—214. Amount of the assessment, 211.
Temple, Mr., his cause against Lord Strafford noticed, ii. 141.
Terry, family of, proceedings in the Bill to enable them to let their estate, i. 265.
Theauro-Johns, examination of, for violence in the lobby of the House of Commons, i. cxxvi. Committed to the Gate-house, ib. Notice of, cxxviii.

Thisscross, Rev. Mr., arrested by Cromwell for observing [illegible] day, ii. 314 n.
Thomas, Rowland, petition of, to Parliament, complaining [illegible] been sold as a slave, iv. 257, 258. Debate on the petition [illegible] 301—308.
Thomond, Earl of, biographical notice of, iii. 347 n.
Thorne, Mr., examination of, by Parliament, i. 130.
Thurloe, Mr. Secretary, letter of Colonel Whalley to, on Cromwell's design of conceding the rights of citizens to the Jews, i. cxliii. n. Letter of, to H. Cromwell on this subject, ib. Elected M. P. for the University of Cambridge, iii. 450. Letter of Captain Langley to, on several political pamphlets; Vote of Recognition, and on the agitated state of parties, 596 n. Letter of H. Cromwell to, iv. 221 n. Letter of General Monck to, ib. Letter of Lord H. Cromwell, on the questions whether the Scotch and Irish members were qualified to sit in the Parliament and that of "transacting" with the other House, iv. 234 n. Letter of Henry Cromwell to, 248 n. Letter of Colonel Barkstead to, 258 n. Accused of being concerned in the affair of selling Englishmen for slaves, 409 n. Letter of, to H. Cromwell, on the want of decision in the House of Commons; various opinions of the address presented by the Army to the Protector, 423 n. Letter of General Monck to, 437 n. Letter of Colonel Bampfylde to, 467 n. Allusions to, 289 n. 449 n. 461. 467 n.
Tickell, ——, lines by, on the death of Charles I., iii. 423 n.
Tirrell, Mr. Thomas, debate on the petition of the tenants of the Manor of Hanslop, county of Bucks, against, i. 197, 198.
Tiverton, examination concerning the election for, iv. 41. Report of the Committee, 112.
Tobacco, duty on, planted in Gloucestershire, i. viii.
Toleration, Religious, Frederick the Third's opinion on, i. 409 n. Roger Williams's opinion on, ib.
Tonnage and Poundage, bill for, discussions relative to the Chairman of the Committee, ii. [illegible], 168. Read, ib.
Tooke, Mr. Horne, his election to serve in Parliament noticed, iii. 86 n.
Toope, John, (engaged in the plot to assassinate the Protector,) examination of, i. 355. 368.
Tory, explanation of the term, ii. 210 n.
Touchett, Mr. Marvin, examination of, during the debate upon the delinquency of Mr. Danvers, iii. 246. Alluded to, 249.
Towers, Dr., Clarendon accused of want of veracity by, iii. 508 n.
Traitors, form of the sentence passed on, ii. 474 n.
Transportation, returning from, made felony, ii. 142.
Treasury, Committee appointed to consider, i. ii. Proceedings of the Committee for inspecting, iv. 1.
Tresilian, Sir Robert, execution of, iii. 120 n. Remark upon his punishment, 121 n.
Trevor, Mr. John, speech of, alluded to, iii. 69 n.
Triennial Parliaments, statute for, noticed, iii. 516.
Trumbull, Sir William, elected for Berkshire, iii. 51. Biographical notice of, ib. n. The earliest patron of Pope, ib. Pope's lines on, 52 n.
Turgis, Mr., proceedings upon a breach of privilege committed by abuse of, iii. 37 n.
Turkey Company, application of, to Parliament, respecting an action brought against them by Sir Sackville Crowe, debate on, ii. [illegible]—100.

Turner, Robert, notice of a work on Judicial Astrology by, i. 305, 306 n. Notice of other works by, 306 n.
———, Sir Edward, notice of, iv. 431 n. His remark on the trial of Major-general Harrison, iv. 431, 432 n.
Tuscany, letter from the Duke of, alluded to, i. x.
Tythes, debate respecting, i. iii. Debate of the Committee of Religion respecting, 366. Debate upon the Bill relative to, ii. 165, 166. Project for abolishing, iii. 482, 483 n. Remarks on, ib.

Vagrants, debate on the Bill respecting, ii. 112—114. Passed, 114.
Valentine, Matthias, petition to confirm a donative given to, ii. 79 and n.
Vane, Sir Henry, explanation of his conduct at the time of King Charles I.'s death, iii. 174 n. His name subscribed to the Covenant, iv. 209. Persecuted by Cromwell, i. 283 n. Instance of his disinterested virtue, ii. 397 n. Cromwell's remark to, on his breaking up the Long Parliament, ib. Elected for Whitchurch, iv. 182 n. Intrigues of Cromwell to prevent his election, ib. Serjeant Maynard's hostility to him noticed, 314 n. Speech of, on the debate concerning certain Englishmen sold as slaves, 409. King Charles II. desirous to have him "put out of the way," ii. 184 n. His trial alluded to, ii. 461 n. Allusions to, iv. 112 n.
Vassal, Mr. Samuel, petition of, read, iv. 318. Money due to him from the Commonwealth, ib. n. The case referred to the Protector, 319 n. Cromwell directs an order to be prepared for the payment of, 334.
Vaughan, John, charged with unduly returning a member for Carmarthen, iv. 275. Brought before the House of Commons, ib. Speech of, ib. Honourably acquitted, ib.
Ubiquitaries, opinions of the sect so called, i. 129 n.
Vermeuden, Sir Cornelius, Bill for, relative to Sedgmoor, i. 259.
Villiers, *alias* Danvers, debate on the accusation of serving against the Parliament, iii. 241—252.
Vines, Rev. Mr., alluded to, i. lxi. Notice of, ib. n.
Viner, Sir Robert, notice of, i. 223 n.
Vintners, debate upon the duties paid to the Excise by, i. 325—328. Abatement made upon the wines in the hands of, ii. 273 n.
Unitarians, punishment of two, for heresy, i. 118 n.
United States, code of laws for regulating the observance of the Sabbath at Newhaven, ii. 262 n. Remarks on the churches of, 424 n. Constitution of, 460 n.
Universities, debate on the Ordinance for regulating, ii. 63, 64. Debate on the Bill against the non-residence of masters, &c. of Colleges, 338, 339.
Usher, Archbishop, library of, purchased by the soldiers, i. 386 n. Bestowed by King Charles II. on Dublin College, 387 n
Vyner, Sir Thomas, chosen Lord Mayor, i. xii.

Wagstaff, Sir Joseph, alluded to, iv. 155.
Waits, The, use of, in London, i. 23.
Wakering, Mr., his sudden death, i. 107.
Wales, debate respecting ministers for, ii. 82. Proceedings of the Committee on, 152. 500, iv. 202.
———, Henry, Prince of, extracts from the orders of the household of, i. lxxxv. lxxxvi.

Waller, Edmund, his adulation of Cromwell, ii. 111 n.
———, Sir Hardress, petition of, relative to lands to be considered, i. 203. 245. His protestation to the Lords in the name of the Army, iii. 419 n. His conduct on his trial, ib.
———, Sir William, alluded to, ii. 110.
———, Mr., Serjeant, his report to Parliament upon the election for Reading, iv. 254 n.
Wallingford-house, meetings of the officers of the Army at, notice of, 452. 469.
Wallop, Mr., his zeal for the election of Sir H. Vane, iv. 182.
Walton, Dr., drawback allowed him on the paper for his Polyglott Bible, i. 352 n.
———, deliberation on the election for, iii. 369.
Warburton, Bishop, his opinion of General Monck, iv. 437 n.
Wardships, abolition of, ii. 437 n.
Wards, abolition of the Court of, i. lx. clxxxix.
Waring, Major, proceedings on a breach of privilege of Parliament by his being arrested, ii. 106.
Warmestry, Rev. Thomas, Parliament desire the Protector to remove him from the lectureship of St. Margaret's, Westminster, ii. 270 n. His publications, ib. Preferred on the Restoration, 271 n.
Warton, Joseph, lines written by, at Montauban, iv. 80 n.
Warwick Castle, allusion to, i. xcii.
———, Earl of, connected with the family of Cromwell by marriage, ii. 315 n. Character of, iii. 356 n. Refuses to sit in Parliament with Colonel Pride, &c. 535 n. Remarks on, ib. 536 n. His death, 356 n. Allusion to, ii. 450 n.
Waterford, apprehensions entertained at, on account of a meeting of Quakers, ii. 113 n.
Watts, Dr., intimate with Richard Cromwell, iv. 486 n.
Weldon, Colonel, petition of, on account of a debt incurred for the public service, ii. 182. Debate on, 190, 191. His services, 190 n.
Wentworth, Sir Thomas, made a sheriff, to prevent his return to Parliament, i. lxxi. n.
———, Lord, alluded to, i. cxxxviii.
West Indies, account of the, i. cxlv.
Westminster, St. Margaret's, Parliament desire the Protector to remove the ministers of, ii. 270 n.
———, the Gatehouse at, described, i. cxvii. cxviii. n.
——— Schools, resolution of Parliament relative to, i. xxvii. n.
Westmoreland, petition of tenants of, against Lord Pembroke, i. 202.
Weston, John, imprisoned by Cromwell, iv. 151 n. ordered to be brought before the House of Commons, 162, 163 n.
Whalley, Judge Advocate, debate upon the Act for settling lands in Ireland on, i. 2—4. 222.
———, Captain, elected for Nottingham, iii. 305.
———, Colonel, Account of his dispute with Colonel Ashfield, iv. 222. Complains to the Protector Richard, ib. Result of his appeal, ib.
Whale-fishery, Committee appointed to regulate the, i. l.
Wharton, Duke of, his eventful life alluded to, i. 367 n.
———, Lord, notice of, i. 367 n.
Wheat, exportation of, alluded to, i. lx.
———, Colonel, his humanity to Quakers in the time of their persecution, ii. 112 n.

Wheeler, Sir William, Bill to enable him to build on his estate at Stepney, ii. 283 n.
Whitbread, Mr., alluded to, iv. 168 n.
Whitehall, the Levellers charged with the design of seting fire to, i. 332, 333.
Whitgift, Archbishop, allusion to, ii. 423 n.
Whitlock, Colonel James, honour conferred on, by Cromwell, i. 317 n.
———, Judge, account of his going to Westminster-Hall during the plague, 1625, iv. 335 n. 336 n.
———, Sir Bulstrode, (Lord Commissioner,) instructions to, on his embassy to Sweden, noticed, i. xii. xiii. Becomes a preacher, cxxvi. n. Account of a theological publication of, cxxvii. n. Act to take away the House of Lords drawn up by, ii. 430 n. His grief at the sentence against King Charles I., 431 n. Consents to accept office under the Parliament, ib. Earl of Essex charged with losing opportunities of putting an end to the war by, 449 n. Appointed Speaker of the House of Commons, i. 369, 370. Bill relative to, noticed, 372 n. Thanks voted to, as Speaker, 375. Money voted to, for his services in Sweden, 375. Anecdote related of Sir Thomas Widdrington by, 376 n. Urges Cromwell to accept the title of King, i. 417 n. His account of Cromwell's hesitation about assuming the title, ii. 118 n. His account of the dissolution of the Parliament, 1657-8, by Cromwell, 462 n. Cromwell signed a patent for creating him a Viscount, iii. 343 n. His account of the arrest of Major Wildman, iv. 155 n. His account of the charges brought against Bishop Wren, 266, 267 n. Describes the visit of Judge Whitlock to Westminster-Hall during the plague, 335, 336 n.
Widdrington, Sir Thomas, Speaker, discussion relative to his illness, i. 337—340. Anecdote of, 376 n. His conduct noticed, ii. 9. 34. 70. His vigilance, 147. Irregular conduct of, 149. Respect paid to his conscientious scruples, 431 n. His speech on delivering the articles against Bishop Wren to the Lords, iv. 267 n. Allusion to, 438.
———, Sir William, cause of his commitment to the Tower, iii. 285.
Wilde, Dr., arrested by order of the Protector, for observing Christmas-day, ii. 314, 315 n. Account of, 315 n.
Wildman, Major, tumults against Cromwell's government occasioned by, i. 199. Pamphlet published by, ib. n. Imprisoned, iv. 155 n. Account of his arrest, ib.
William the Conqueror, the Kentish-men obtain their liberties from, i. 210 n.
William III., King, refuses his assent to the frequent calling of Parliament, ii. 452 n. Burnet's account of, ib. Remarks on, ib. 479 and n. Notice of, iii. 176, 177 n. Sends to James II. to desire him to remove from Whitehall, 295 n.
Williams, Archbishop, the protestation of the Bishops, in 1641, attributed to, ii. 328 n.
———, Roger, account of, i. 407 n. His opinion on religious toleration, ib.
Wills, debates on the Bill for the probate of, i. 224, 225; ii. 56. 114. 237. 253, 254. 283. 303. 338.
Wilmot, Lord, engaged in the insurrection, in 1656, against the Parliament, i. 231. Alluded to, i. cxxxviii.
Willoughby, Lord, petitions to be released from prison, and for leave to go to Surinam, i. clxxxi.
Wilson, Arthur, anecdote of Queen Elizabeth related by, iv. 139 n.
Wiltshire, Bill for holding the Sheriff's Court at Devizes, ii. 168. Read the second time, 228.

Windsor, New, debate on the Ordinance for co[illegible] house at, ii. 61, 62. Dress, &c. of the Poor Knights des[illegible]
Wines, the abuses in, referred to a Committee; [illegible] clxx[illegible] Spanish wines raised, clxxxvi. clxxxvii. Proceedings on the [illegible] ing the prices of, ii. 202.
Wingate, Mr. brief notice of, [illegible] 36 n.
Wingfield, Mr. Augustus, notice of, iii. 38 n.
Winston's Hospital, debate upon a petition concerning, i. 82—84.
Wirtz, Colonel Paul, minister from the Duke of Sleswick to the Commonwealth, i. ix.
Witchcraft, account of the trials at Maidstone for, i. 26 n. Remarks on, ib. Weak conduct of Sir M. Hale with respect to, ib. n. Work on, condemned by Parliament, 80. 305, 306. 331.
Wither, Colonel, petition of, presented, i. 207. Poem alluded to, ib. n. Account of, 208 n.
Wood, Anthony à, his account of Colonel Lilburn, iii. 507, 508 n. Account of the articles brought against Dr. Petty, iv. 470 n. His Athenæ Oxonienses referred to, 380.
Woodhouse Mr., refuses to subscribe the Recognition, i. xxxvi.
Woollen clothiers of Yorkshire, debate on the Bill for constituting them a corporation, i. 126, 127.
Worcester, battle of, alluded to, i. xvii. cxlvii.
——— petition from, on the election of Mr. Streete, iii. 70. Mr. Streete defends himself, 253. Debate on, ib.—256. 425—435.
——— Marquis of, his conference with Charles I. noticed, iii. 371, 372 n.
——— Earl of, petitions the House, i. xlvii. Released on finding bail, xlviii.
——— (Glamorgan) his Treaty with Irish rebels alluded to, iii. 372 n
——— Countess of, Bill for settling Worcester House on, committed, ii. 102. 134. Motion to read, 305. Petition of, referred to the Committee, iv. 119. 244. 253. Worcester House delivered up to, 424, 425. 464.
——— House, debate on the Bill for settling on the Countess of Worcester, ii. 102. Committed, ib. 134. Given up to the Countess, 424, 425. 464. Occupied by Lord Clarendon, 426 n.
Wotton, Sir Henry, remark written by, in an album, iii. vi. n.
Wraxall, Sir Neale, state of the French peasantry described by, iv. 80 n.
Wren, Bishop, accusation brought against, in the House of Peers, of setting up idolatry, 1640, iii. 266 n. Security for his appearance required, ib. Voted unworthy to hold any dignity in the Church, ib. 267 n. Articles against, ib. Imprisoned, ib. Discharged, ib. His persecution of dissenters, ib.
Wright, Drugo, proceedings against, for breach of the privileges of Parliament, i. 9.
Wroth, Sir Henry, charge against, for assaulting Major-general Packer, iii. 436. Ordered to attend the House, 437. Debate on, iv. 2—4. Defends himself, 5. Discharged, 7.
——— Sir Thomas, thanks of Parliament voted to, iv. 17 n.
Wylde, Serjeant, petition of, on being displaced from the office of Chief Baron, iv. 390. Resolution relative to his petition, 421, 422. 429. 438, 439. 467, 468.
Wyndham, Mr. Hugh, notice of, ii. 340 n.

Yardley, Captain, alluded to, iv. 1[illegible]2 n.
Yarmouth, discussion respecting an election for, [illegible] xxiv. iii. 579.

York, proceedings on the bill for erecting law and equity courts at, i. 17. 19. Debate on the Bill for constituting the woollen clothiers of the West Riding a corporation, i. 126, 127.
York, James Duke of, alluded to, i. cxxxiii.
Yorkshire, petition from the North Riding of, relative to assessments considered, i. 208, 209. Yorkshire cloths, debate on the Bill relating to, i. 320. Read second time, 372. Referred to the Committee of Trade, ib. n.
Young, Dr., lines of, on the execution of King Charles I. iii. 423 n. Gross adulation of the dedication to "The Last Day," 424 n.

THE END.

LONDON
PRINTED BY S. AND R. BENTLEY, DORSET STREET.

ERRATA.

VOL. I.

l. *line* 3, *b. insert apostrophes after* heretofore.
apostrophes *after* equity.
lxi. *l.* 20, *for* 165, *read* 1650.
49. *l.* 12, *for* before, *read* after.
79, *l.* 34, *for* Cambridge, *read* Oxford.
401, *l.* last, *read* thus, *componitur*. The account,
409, *l.* 8, *for* Frederic II. *read* III.

VOL. II.

356, *l.* 28, *for* eight, *read* forty-eight.
371, *l.* 8, *b. dele* thus.
391, *l.* 7, *b. read* mercies.
418, *l.* 5, *b. aliquando.*
461, *l. b.* 12, *for* 1661, *read* 1662.
476, *l.* 10, *dele* the apostrophes.

VOL. III.

56, *l.* 22, *dele* the apostrophes.
95, *l.* 14, *read* Bramhall.
142, *l.* 36, *dele* the apostrophes *after* witchfinder.
183, *l.* 21, *read* Sir John Maynard, Bart., &c.
324, *l.* 7, *b. read* slea-silk.
354, *l.* 5, last line, *read thus:* It was assigned to the chief magistrate during the Protectorate.
422, *l.* 4, *b. dele* thus.
527, *l.* 7, *b. dele* Mr. Bethel says.

VOL. IV.

412, *l.* 3, *b. read* Major.

HISTORICAL AND BIOGRAPHICAL WORKS,

PRINTED FOR HENRY COLBURN,

NEW BURLINGTON STREET.

I.

AN OCTAVO EDITION of the DIARY and CORRESPONDENCE of SAMUEL PEPYS, Esq. F.R.S. Secretary to the Admiralty in the Reigns of Charles II. and James II., and the intimate friend of the celebrated John Evelyn. Edited by Richard, Lord Braybrooke. In 5 vols. embellished with Portraits and other Engravings. Price 3*l.* 10*s.*

"There is much (in Pepys's Diary) that throws a distinct and vivid light over the picture of England and its Government, during the ten years succeeding the Restoration.

"If, quitting the broad path of history, we look for minute information concerning ancient manners and customs, the progress of arts and sciences, and the various branches of antiquity, we have never seen a mine so rich as the volumes before us. The variety of Pepys's tastes and pursuits led him into almost every department of life. He was a man of business; a man of information, if not of learning; a man of taste; a man of whim; and, to a certain degree, a man of pleasure. He was a statesman, a bel-esprit, a virtuoso, and a connoisseur. His curiosity made him an inquisitive as well as an universal learner, and whatever he saw found its way into his tables."—*Quarterly Review.*

II.

The DIARY and LETTERS of JOHN EVELYN, Esq., the celebrated Author of "Sylva," &c.; with the Private Correspondence between King Charles I., Sir Edward Nicholas, the Earl of Clarendon, Sir Richard Browne, &c. &c. Edited by W. Bray, Esq. F.S.A. &c. New Edition, in 5 vols. 8vo. with Portraits and other Plates, price 3*l.* 10*s.*

III.

EVELYN'S MISCELLANEOUS WRITINGS; now first collected and edited, with Notes. By WILLIAM UPCOTT, of the London Institution, and forming a Supplement to the EVELYN Memoirs. Printed uniformly in 1 vol. royal 4to. with Plates. Price 3*l.* 10*s.* in boards.

The miscellaneous writings of the Philosopher and Naturalist Evelyn (most of which are extremely rare) are here presented to the public in a quarto volume, to range with his "Diary and Correspondence." These works, with his noble Discourse on Forest Trees under the title of "Sylva," comprise the whole body of Evelyn's productions. The tracts forming the present volume are, more or less, on subjects of great interest, including lively pictures of the manners and amusements of his time; Memoirs, political, domestic, and religious; Treatises on Morals, Horticulture, Arts, Science, Commerce, &c: in all of which the sound intellect of this "amiable and high-minded English Gentleman" will be traced.

IV.

The LIVES of the Right Hon. FRANCIS NORTH, BARON GUILFORD, Lord Keeper of the Great Seal, under King Charles II. and King James II.; the Hon. Sir DUDLEY NORTH, Commissioner of the Treasury to King Charles II.; and the Hon. and Rev. Dr. JOHN NORTH, Master of Trinity College, Cambridge, and Clerk of the Closet to King Charles II. In 3 vols. 8vo. with Portraits. Price 36*s.*

"The Diaries of Pepys and Evelyn have presented us with illustrations of the characters and times of the Restoration; and these volumes detail, with minuteness and fidelity, every great political transaction which occurred in the later years of Charles the Second's reign, and during the short government of his successor. Of this interesting character of that period—'one of the most singular and important of our history'—we are now abundantly informed, since the Lives of the Norths develope the intrigues of James and his partizans, and give us a complete and candid exposition of the objects with which James ascended the throne.

"This work is an essential link in the chain of English History, and is indispensable to the higher classes of libraries."—*Gents. Mag.*

V.

MEMOIRS of GEORGE JEFFREYS, Lord High Chancellor of England in the Reign of James II. By HUMPHREY W. WOOLRYCH, Esq. In 8vo. with a Portrait, 14s.

"We have seldom seen a better specimen of historical biography than the Memoirs of Jeffreys."—*Lit. Chron.*

"This is an honest book—the writer speaks his conviction freely."—*Monthly Mag.*

VI.

THE CORRESPONDENCE and DIARIES of HENRY HYDE, EARL of CLARENDON, and LAWRENCE HYDE, EARL of ROCHESTER; comprising minute particulars of the events attending the Revolution, &c. &c.; published from the Original Manuscripts, with Notes. By S. W. SINGER, F.S.A. In 2 vols. 4to. Illustrated with Portraits, copied from the Originals, (by permission of the Right Hon. the Earl of Clarendon) and other engravings.

VII.

IMAGINARY CONVERSATIONS of LITERARY MEN and STATESMEN. By WALTER SAVAGE LANDOR. The Second Edition, corrected and enlarged, in 2 vols. 8vo. 28s.

CONTENTS. Richard I. and the Abbot of Boxley.—The Lord Brooke and Sir Philip Sydney.—King Henry IV. and Sir Arnold Savage.—Southey and Porson.—Oliver Cromwell and Walter Noble.—Æschines and Phocion.—Queen Elizabeth and Cecil.—King James I. and Isaac Casaubon.—Marchese Pandolfini and Walter Landor.—General Kleber and some French Officers.—Bishop Burnet and Humphrey Hardcastle.—Peter Leopold and the President De Paw.—Demosthenes and Eubulides.—Bonaparte and the President of the Senate.—The Abbé Delille and Walter Landor.—The Emperor Alexander and Count d'Istria.—Kosciusko and Poniatowski.—Middleton and Magliabechi.—Milton and Andrew Marvel.—Washington and Franklin.—Roger Ascham and Lady Jane Grey.—Lord Bacon and Richard Hooker.—General Lacy and the Curate Merino.—Pericles and Sophocles.—Louis XIV. and Père la Chaise.—Samuel Johnson and Horne Tooke.—Cavaliere Puntomichino and Mr. Dennis.—Eusebius Tademaugh.—Andrew Hofer, Count Metternich, and the Emperor Francis.—David Rame and John Home.—Prince Mavrocordato and General Colocotroni.—Alfieri and Solomon, the Florentine Jew.—Lopez Banos and Romeo Alpuente.—Lord Chesterfield and Lord Chatham.—Aristotles and Callisthenes.—Henry VIII. and Anne Boleyn.—Marcus Tullius Cicero and his Brother, Quinctus.

VIII.

THE HISTORY of GEORGE GODFREY. Related by Himself In 3 vols. post 8vo.

IX.

LORD BYRON and SOME of HIS CONTEMPORARIES. By LEIGH HUNT. 4to. with Portraits and Fac-similes, 3*l.* 3s.

'Tis for slaves to lie, and for freemen to speak truth.—*Montaigne.*

X.

BURKE'S DICTIONARY of the PEERAGE and BARONETAGE of the United Kingdom. Handsomely printed in one thick volume crown 8vo. with upwards of 1500 Engravings of the Arms, &c. &c. A New Edition, price 1*l.* 11s. 6d.

It is presumed that this work will be found the most accurate, comprehensive, and concise, which has hitherto appeared upon the subject; an unprecedented mass of information having been obtained from the highest sources. The lineage of almost every house is deduced from the earliest era, and the genealogical details are interspersed with many interesting anecdotes of the various families. The Baronets of Scotland and Ireland, with their armorial bearings, &c. form a new feature in this edition; and an Essay upon the origin of titles of honour in England, with Engravings of the various orders of nobility and knighthood, considerably augment the interest of the whole.

00037835

Digitized with financial assistance from the
Government of Maharashtra
on 03 December, 2015